



# Confidential Administrative Investigation Report - Mayor Robertson Complaint

## City of Selma

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October 23, 2023

**\*\*Information Within Report Contains Confidential  
Information Pursuant to the Brown Act\*\*\***

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**TABLE OF CONTENTS**

	<b><u>Page</u></b>
I. INTRODUCTION & SCOPE.....	1
II. RELEVANT BACKGROUND INFORMATION .....	1
III. COMPLAINTS WITHIN THE SCOPE OF THIS INVESTIGATION .....	3
IV. EXECUTIVE SUMMARY OF FINDINGS.....	3
V. RELEVANT ADMINISTRATIVE REGULATIONS AND POLICIES .....	6
1. Discrimination and Sexual Harassment Policy and Complaint Procedure Amended March 2001.....	6
a. Administrative Policy 2003-02: WORKPLACE VIOLENCE POLICY AND PROCEDURES .....	7
VI. THE INVESTIGATION PROCESS (Methodology) .....	7
1. WITNESSES INTERVIEWED BY THE INVESTIGATOR .....	7
2. DOCUMENTS REVIEWED.....	7
3. STANDARD OF PROOF.....	9
VII. ANALYSIS OF WITNESS CREDIBILITY AND SUMMARY OF WITNESS TESTIMONY .....	9
1. Council Member John Trujillo.....	10
a. Interview Summary.....	10
b. Credibility Assessment of Council Member John Trujillo.....	12
2. Council Member Blanca Mendoza-Navarro.....	13
a. Interview Summary.....	13
b. Credibility Assessment of Council Member Blanca Mendoza- Navarro .....	16
3. Mayor Pro Tem Beverly Cho.....	18
a. Interview Summary.....	18
b. Credibility Assessment of Mayor Pro Tem Beverly Cho .....	20
4. City Manager Fernando Santillan.....	20
a. Interview Summary.....	20
b. Credibility Assessment of City Manager Fernando Santillan.....	25
VIII. FACTUAL FINDINGS .....	26
1. Whether City Manager Fernando Santillan engaged in workplace harassment and/or retaliation against City of Selma Mayor Scott Robertson. .....	26

IX. POLICY ANALYSIS AND FINDINGS .....26

1. Whether City Manager Fernando Santillan engaged in conduct that violated City of Selma rules, regulations or any other applicable regulations governing his conduct as a City employee. ....26

2. Whether City Manager Fernando Santillan engaged in harassment, intimidation or other disruptive behavior in violation of the City's Workplace Violence Policy and Procedures.....27

X. CONCLUSION.....28

## **I. INTRODUCTION & SCOPE**

The City of Selma ("the City") contacted the Investigator, Alfonso Estrada, to conduct an investigation of the City of Selma's City Manager Fernando Santillan, for alleged harassment and retaliation against Mayor Scott Robertson.

The City engaged the Investigator to make factual findings and undergo a policy analysis regarding if whether the complained of conduct occurred, which if established as true, would violate the City of Selma's rules, regulations, and/or procedures.

The City retained Hanson Bridgett LLP, through Alfonso Estrada, to investigate this allegation and to do so under the attorney-client privilege.

## **II. RELEVANT BACKGROUND INFORMATION**

On February 6, 2023, Mayor Scott Robertson ("Mayor Robertson") submitted a four-page written claim against the City as a result of City Manager Fernando Santillan's ("Mr. Santillan") alleged harassment and retaliation. (**Exhibit 1**) Mayor Robertson alleged several incidents by Mr. Santillan that he perceived to be "threats and attempts at intimidation." For example:

- On January 24, 2022, Mr. Santillan sent a "confidential" message which, according to Mayor Robertson, was meant to threaten and intimidate him because he addressed "Members of Selma City Council" instead of "Mayor and Members of Selma City Council." Mayor Robertson thought this was meant to "subtly disrespect me" and was indicative of Santillan's "continued attempts to target him." (**Exhibit 6**)
- Mayor Robertson claimed Mr. Santillan accused him of retaliating against him during his Performance Review conducted by the Selma City Council on December 16, 2022, during a special meeting. This accusation was also an attempt to threaten and intimidate Mayor Robertson as "he spent several hours relating his honest critique of his performance over the last twelve months" and Mr. Santillan "did not even bother" to collect Council members' responses after the review. Mayor Robertson thought the City Manager exhibited "an attitude of disrespect" by not asking for a written record of the review.
- Mayor Robertson believes Mr. Santillan has also demonstrated a pattern of disrespectful behavior. For example:
  - Mr. Santillan used critical comments from the public during oral communications at the April 18, 2022, Council Meeting as leverage to secure a more favorable contract for himself.
  - Mr. Santillan "blatantly disregarded" Mayor Robertson's written evaluation by not asking to collect the written evaluations to give to HR to put in his file.
  - Mr. Santillan failed to respond to "many of [his] emails." For instance, Mayor Robertson asked Santillan for a list of Selma's projects in preparation of the 'state

of the city address' that he was asked to deliver at the local Rotary Club on January 31, 2023. Mr. Santillan "completely ignored" his email. (**Exhibit 10**)

- Mayor Robertson emailed Mr. Santillan asking to be a part of the next meeting between the City Manager and public citizen Dwight Nelson. Mr. Santillan responded that the meeting was not going to happen but Mayor Robertson was later approached by Mr. Nelson to attend the meeting that he understood was not taking place. Mayor Robertson believed that Mr. Santillan showed "disrespect and disregard" for allegedly lying to him about the meeting not taking place with Mr. Nelson and interfering with Mayor Robertson being able to perform his job duties as Mayor. (**Exhibit 11**)

Mayor Robertson further claimed that Mr. Santillan's "frequent and repeated" emails targeting him with threats of legal action constitutes harassment and interferes with his ability to act as Mayor. After providing these "examples", Mayor Robertson requested that the "matter" appear on the next City Council agenda as a closed session employment matter – "anticipated litigation." Mayor Robertson also requested that:

- All direct communications cease between him and Mr. Santillan except during City Council open and closed session meetings. He explained that this meant that any email from Mr. Santillan must go through the City Attorney who may forward the email to him.
- Mr. Santillan was not welcome at his place of business nor would he be invited to his residence.
- If Mayor Robertson were at City Hall while Mr. Santillan was present, Mr. Santillan must make no attempt to contact him.
- For each instance of unwanted direct contact, the City will owe the sum of \$5,000.00 that will be payable to a CA 501 C3 accredited nonprofit of Mayor Robertson's choice.
- Additionally, Mayor Robertson requested health benefits be paid to him and his spouse by the City until he reached 65 years old.

Mayor Robertson concluded his written claim by alleging that the "consequences" of not meeting the above terms would result in him taking legal action.

### III. COMPLAINTS WITHIN THE SCOPE OF THIS INVESTIGATION<sup>1</sup>

1. Whether City Manager Fernando Santillan engaged in workplace harassment and/or retaliation against City of Selma Mayor Scott Robertson.
2. Whether City Manager Fernando Santillan engaged in conduct that violated City of Selma rules, regulations or any other applicable regulations governing his conduct as a City employee.
3. Whether City Manager Fernando Santillan engaged in harassment, intimidation or other disruptive behavior in violation of the City's Workplace Violence Policy and Procedures.

### IV. EXECUTIVE SUMMARY OF FINDINGS

The Investigator finds that the preponderance of the evidence **did not** support factual findings to sustain Allegations #1, #2, or #3. Accordingly, Allegation #1, #2, #3 are **NOT SUSTAINED**.

The investigation into this matter uncovered the following facts which were supported by the preponderance of the evidence:

- The City of Selma has a City Council/City Manager form of government. Under this form of government, the elected City Council sets the policies for the operation of the Selma City Government which are then executed by the City Manager. The administrative responsibility of the City rests with the City Manager, who is appointed by the City Council. (**Exhibit 7**)
- The City of Selma's Council Members are elected officers. Before the election cycle in 2020, members of the City Council would rotate the mayoral position and elections were based on an at-large election system. The City now runs district-based elections where City Council Members serve four-year terms and are elected by four separate Districts.
- In December 2020, Council Member Blanca Mendoza-Navarro was elected to represent District 1, and Mayor Pro Tem Beverly Cho was elected to represent District 4. Scott Robertson was elected as Mayor at Large. Mayor Robertson was elected to City Council in 2012, re-elected in 2016, and had served three years as Mayor before being elected to the position in 2020. Mayor Robertson's current term expires November 2024.
- In December 2022, Council Members John Trujillo and Sarah Guerra were re-elected to represent District 2 and District 3, respectively.
- Since the elections of Council Member Blanca Mendoza-Navarro and Mayor Pro Tem Beverly Cho in 2020, the City Council votes have typically been split 3 to 2 with Mayor Robertson and Council Member Guerra in the minority. It is understood that Council

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<sup>1</sup> The Investigator was tasked with making both factual findings and policy analysis.

Member Guerra is Mayor Robertson's sister-in-law and that they own a family business, Robertson-Guerra Insurance Agency.<sup>2</sup>

- At a City Council Meeting on April 4, 2022, during the public comment portion, City of Selma citizen Joan Nelson commented on the demotion of Public Works Director Shane Ferrell. As part of her comment, Ms. Nelson said,

**"...you wonder why people are moving out of this town. [The City] has turned into a ghetto and it's being run like Parlier...it is totally sickening to me. It seems as though the only people you are hiring are part of your plan. There's three of you up there that have a plan. Well, I'm here to tell you this City is not yours. It's ours...It's our City."**

Mayor Robertson responded, **"Thank you. Do we have anyone else that would like to make a comment at this time?" (Exhibit 15, Transcript of April 4, 2022, Council Meeting, Page 1<sup>3</sup>)**

- After Ms. Nelson's comments, another City of Selma citizen, Yolanda Torres, spoke and specifically directed her comments to Mr. Santillan stating:

**"...and you City Manager, I don't know you, and from what I heard about you, where are your qualifications? You want to talk about someone being qualified to do their job? Shane has been in this position for 19 years, three of those as a director...you haven't been here long enough...so let's have some transparency, let's be honest where are your qualifications? You've never been a City Manager before so what qualifies you to sit up there and turn our City around and make decisions like this?... I'm [going to] bring in the media, I'm [going to] try and see what your qualifications are to even see if you're qualified to be sitting in that seat because I don't think you are. I don't understand if you are qualified, why do you need deputy assistance, why do you need a secretary? [Former City Manager] Teresa Gallavan and Isaac did it all by themselves, they were getting paid good money."**

After Ms. Torres' allotted time to speak expired, Mayor Robertson responded:

**"Thanks for your comments...thank you for your comments...appreciate it, thank you. Our next speaker?" (Exhibit 15, April 4, 2022, Council Meeting Tr. Page 1-2)**

- City of Selma citizen Selena Martinez then spoke:

**"I'm not sure what's going on but I'm just going to address the first person who spoke because they denigrated...Parlier and called it a ghetto...I'm not**

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<sup>2</sup><http://www.robertsoninsurance.net/?fbclid=IwAR1a6uTxdTHJCjn12vX-OmTIRT3UPFCiU6U7Jw9JckukoASmNGGOcLhEoTE>

<sup>3</sup> <https://www.youtube.com/watch?v=Ssjr92MONTI>

**sure on all the facts but I just like to say that we shouldn't tolerate racist language and denigrate a whole town because they're Mexican and that's what Ghetto means. So I hope the City will take into account what racism is and what racist language is...I was offended by that." (Exhibit 15, April 4, 2022, Council Meeting Tr. Page 2)**

Mayor Robertson responded, **"Thank you for your comment."**

- Following this meeting, Mr. Santillan presented a written complaint in closed session on April 18, 2022. **(Exhibit 13)** He wrote, in pertinent part, that, **"Mayor Robertson, as chair of the meeting, failed to protect staff from potential harassment, bullying and exposure to a hostile work environment, with the basis of the harassment being discrimination on the basis of my ethnicity."** Following this written complaint, the City Council agreed to amend portions of Mr. Santillan's contract to offer him explicit protection from similar comments and provide him with a pay increase.
- On August 1, 2022, during a closed session meeting where the proposed amendments to Mr. Santillan's employment contract were being considered, Mayor Robertson stated that he would sue Mr. Santillan for slander and inform neighboring agencies about his inability to receive criticism. Mr. Santillan saw this as retaliation by Mayor Robertson for making a complaint.
- On December 16, 2022, City Council conducted a performance evaluation of Mr. Santillan during a closed session of a special City Council meeting. Mr. Santillan received criticism but an overall satisfactory review. Mayor Robertson was the only Council Member who voted against this satisfactory rating.
- On January 24, 2023, Mayor Robertson emailed Mr. Santillan for a list of Selma projects in preparation for the 'State of the City address' that Mayor Robertson was preparing to deliver to the local Rotary Club. Mr. Santillan did not respond. **(Exhibit 10)**
- Separately, on January 24, 2023, Mr. Santillan sent an email to City Council concerning his performance evaluation on December 16, 2022. He claimed that Mayor Robertson was using his April 18, 2022 complaint as a basis for the evaluation of his performance. **(Exhibit 6)**
- On February 6, 2023, Mayor Robertson filed a "claim" to the City of Selma concerning Mr. Santillan. **(Exhibit 1)**
- On March 6, 2023, City of Selma rejected Mayor Robertson's claim. **(Exhibit 16, 20)**
- On March 24, 2023, Mayor Robertson formally withdrew his complaint. **(Exhibit 21)**

The findings in this investigation were supported by credible witnesses and documentary evidence. The preponderance of the evidence in this matter did not support findings that Fernando Santillan engaged in conduct that violated the policies referenced below and described more fully *infra*.

V. **RELEVANT ADMINISTRATIVE REGULATIONS AND POLICIES<sup>4</sup>**

1. **Discrimination and Sexual Harassment Policy and Complaint Procedure Amended March 2001**

The City's Discrimination and Sexual Harassment Policy and Complaint Procedure provides, in relevant part, as follows:

The City of Selma is committed to providing a work environment that is free of discrimination. In keeping with the commitment, the City of Selma maintains a strict policy prohibiting unlawful discrimination, including sexual harassment. This policy prohibits discrimination and harassment in any form, including verbal, physical, and visual.

This policy is specifically written to ensure compliance with the general provisions of the Fair Employment and Housing Act, specifically Government Code Section 12940. It applies to all employees, supervisors and managers, official representatives, persons providing volunteer services, and those who have or are entering into a business relationship with the City (including individuals providing services pursuant to a contract).

**DISCRIMINATION:**

No person, as listed above, shall discriminate, or be discriminated against, on the basis of race, religious creed, color, national origin, ancestry, sex, age, marital status, sexual orientation, physical disability, mental disability, or medical condition (unless, because of his or her physical or mental disability, or medical condition, is unable to perform his or her essential duties even with reasonable accommodations, or cannot perform those duties in a manner that would not endanger his or her health or safety or the health or safety of others even with reasonable accommodations).

\* \* \*

**CONCLUSION:**

The City of Selma must protect its employees/volunteers from all forms of discrimination and harassment. Employees/volunteers or other agents of this City may be subject to disciplinary action if it is determined that they have:

- (1) Harassed another employee/volunteer, either on or off duty.
- (2) Retaliated against a complaining employee/volunteer.

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<sup>4</sup> Exhibit 4, 5

(3) Submitted a capricious or malicious complaint.

a. **Administrative Policy 2003-02: WORKPLACE VIOLENCE POLICY AND PROCEDURES**

The City's Workplace Violence Policy and Procedures provides, in relevant part, as follows:

**PURPOSE:**

The purpose of this policy is to promote and provide a safe working environment for all employees of the City of Selma. The success of this policy and the safety of all City staff members will require the cooperation of every employee.

**POLICY:**

The City of Selma is committed to providing a work environment that is free from violence, threats of violence, harassment, intimidation, or other disruptive behavior.

Workplace violence, threats of violence, harassment or intimidation, or other disruptive behavior will not be tolerated. Examples of such behavior include verbal or written statements, gestures, and/or expressions that communicate a direct or indirect threat of physical harm or abuse.

**VI. THE INVESTIGATION PROCESS (Methodology)**

**1. WITNESSES INTERVIEWED BY THE INVESTIGATOR<sup>5</sup>**

<b>NAME</b>	<b>DATE OF INTERVIEW</b>
Council Member John Trujillo	August 9, 2023
Council Member Blanca Mendoza-Navarro	August 9, 2023
Mayor Pro Tem Beverly Cho	August 11, 2023
City of Selma City Manager Fernando Santillan	August 9, 2023

**2. DOCUMENTS REVIEWED**

The Investigator reviewed many documents in preparation of this report. Those relied on by the Investigator have been attached as Exhibits (1-26). They include:

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<sup>5</sup> The Investigator attempted to interview complainant Mayor Robertson and Council Member Sarah Guerra. Both declined to be interviewed. The Investigator reached out a second time to both individuals and neither responded. **(Exhibit 18, 19)**

EXHIBIT NO.	DOCUMENT
1	Mayor Scott Robertson's Complaint dated February 6, 2023
2	City Manager Agreement dated December 2021
3	City Manager Agreement Amended February 6, 2023
4	City of Selma Discrimination and Sexual Harassment Policy and Complaint Procedure (Amended March, 2001)
5	Administrative Policy 2003-02 – Workplace Violence Policy and Procedures
6	January 24, 2023 Email from F. Santillan to City Council re ***Confidential*** 12/16/22 Closed Session
7	1-18-6 City of Selma Internal Relations Policy
8	February 2, 2023 Email from F. Santillan to City Council Members re Request to Reschedule 2/6 Council Meeting
9	December 4, 2022 Email from F. Santillan to City Council Members re CM Performance Evaluation
10	January 24, 2023 Email from Mayor Robertson to F. Santillan re Project List
11	November 5, 2022 Email Chain between Mayor Robertson, D. Nelson, and F. Santillan re Hwy 43 Road Improvement Schedule
12	City of Selma Organization Chart
13	Document Drafted by F. Santillan Entitled Closed Session Statement, April 18, 2022
14	March 15, 2022, Facebook Post by Mayor Robertson re Police Chief Joe Gomez
15	City of Selma April 4, 2022, City Council Meeting Transcript (Pertinent Portions Transcribed Only)
16	City of Selma March 6, 2023, City Council Meeting Transcript (Pertinent Portions Transcribed Only)
17	City of Selma June 19, 2023, City Council Meeting Transcript (Pertinent Portions Transcribed Only)

18	Correspondence to Mayor Robertson re Request for Interview
19	Correspondence to Council Member Sarah Guerra re Request for Interview
20	City Manager's/Staff's Report for Regular City Council Meeting dated March 6, 2023, re Consideration of Rejection of Claim, Mayor Scott Robertson, Claimant
21	March 24, 2023, Email from Sedgwick Litigation Manager S. Sullivan to Mayor Robertson re Withdrawal of Complaint
22	Interview Transcript of Council Member John Trujillo
23	Interview Transcript of Council Member Blanca Mendoza-Navarro
24	Interview Transcript of Mayor Pro Tem Beverly Cho
25	Interview Transcript of City Manager Fernando Santillan
26	Department of Industrial Relations Complaint filed June 13, 2023, by City Manager Fernando Santillan

### 3. STANDARD OF PROOF

The Investigator employed the preponderance of the evidence standard in making his factual determinations with respect to the allegations contained in this investigation. In so doing, the Investigator determined whether the evidence, on balance, more likely than not established the facts as alleged occurred. The Investigator then considered, whether the facts as established by a preponderance of the evidence, established a violation of the City of Selma's rules, policies, or procedures.

### VII. ANALYSIS OF WITNESS CREDIBILITY AND SUMMARY OF WITNESS TESTIMONY

The Investigator's analysis of witness credibility is based on tangible and intangible factors, and consideration was given to direct and circumstantial evidence. Factors considered in determining credibility include, but are not necessarily limited to: corroboration of any fact; the ability of a witness to accurately perceive, to recollect, or to communicate; the opportunity of a witness to perceive a matter; any admission or the plausibility of any fact offered. (*See, EEOC Enforcement Guidance: Vicarious Employer Responsibility for Unlawful Harassment*, No. 915.20, p. 10 [June 18, 1999].)

The Investigator has included in the summary of witnesses' testimony the portions of their testimony considered in making findings.

**1. Council Member John Trujillo**

**a. Interview Summary**

Council Member John Trujillo currently represents District Two of the City of Selma. He was last re-elected in November 2022 and his current term expires November 2026. Council Member Trujillo describes his job responsibilities as "facilitating the policies of the City, adhering to the City Manager, and also ensuring the City manager acts on the policies." Council Member Trujillo decided to run for the Selma City Council in 2016 because he did not like how Mayor Robertson and "his group" were ousting a chief of police.

Previously, Council Member Trujillo served on the Selma-Kingsburg-Fowler Sanitation District and sat on the Planning Commission, Personnel Commission, and Streets and Sign Commission for the City.

**Relationship to Mr. Santillan:**

Council Member Trujillo considers his relationship with Mr. Santillan to be professional and he respects that he is "trying to stay the course." He thinks Mr. Santillan has done a great job in his role and notes that it has been "really difficult" because of the culture. He acknowledges that they have disagreements - Mr. Santillan has denied Council Member Trujillo's requests but has also explained his reasoning "so there is a dialogue rather than getting angry and pointing fingers."

**City Council Culture:**

Council Member Trujillo understands the City of Selma transitioned from an 'administrative form of government' to a 'management form of government'. For example, the culture once was that if "you wanted something done, you would need to go to the Mayor's office." He noted that the past City Manager would have to go to the Mayor's office and she would follow the Mayor's direction.

When asked about the Council's voting split, Council Member Trujillo said that the difference between the 3-person majority (i.e., Council Member Trujillo, Council Member Mendoza-Navarro, and Mayor Pro Tem Cho) and the 2-person minority is that the majority is not "here for a personal gain" and wants to bring a change of a culture that allows the City Manager to do his job.

**Relationship With Mayor Robertson:**

Council Member Trujillo recalled that his relationship with Mayor Robertson used to be friendly. Specifically, when Council Member Trujillo opened a restaurant in 2014, the Mayor and his wife would often patronize his business.

It was not until Council Member Trujillo decided to run for City Council (again) that Mayor Robertson "stopped talking to him." Council Member Trujillo recalled he would say hello to the Mayor and the Mayor would "just look at him." He thought it was at this point the relationship became him v. the Mayor. Now, the two cannot have a dialogue without it becoming personal, which he attributes to the Mayor's "major power play" and "major ego." He also attributes Mayor

Robertson's behavior to him not understanding municipal government and the need for infrastructure or economic development with the City.

Council Member Trujillo also opined on the Mayor's history with the City. Specifically:

- A prior City Manager sued the City after the Mayor threatened him and the City had to pay out an amount to resolve the matter.
- Mayor Robertson made Council Member Navarro and Council Member Cho cry in a closed session after they were both elected. In an attempt to break the tension, Council Member Trujillo told the Mayor that it "was gay" how he was speaking to them. Mayor Robertson characterized this statement as Council Member Trujillo calling him "gay."
- After the City had hired an interim City manager, during closed session, Mayor Robertson would "attack him" and ask he be fired.
- Mayor Robertson attacked Mr. Santillan in both open and closed sessions, even attacking his race. Mayor Robertson had even gone out of his way to harass Mr. Santillan, saying, words to the effect of: *"Look, I'm going to make sure that every City around us knows that you can't handle me yelling at you. I'm going to make sure you never get hired."* The Mayor also told Mr. Santillan that he needs to have thick skin.

Council Member Trujillo thinks the Mayor's actions would go unchecked because "in past practice" they were allowed. This is a problem for Council Member Trujillo because, as an elected official, they should be ensuring the sovereignty of Selma is clean (i.e. no liability).

#### **April 18, 2022 Closed Session:**

When asked about Mr. Santillan's complaint concerning the public comments made at a City Council meeting on April 4, 2022, Council Member Trujillo recalled that Mr. Santillan told Mayor Robertson, *"Mr. Mayor, you stop everyone else. I'm an employee, you should have stopped her..."*

#### **December 2022 Performance Review:**

For the City Manager's performance review, Council Member Trujillo believed that there had never been a "structured" evaluation of a City Manager and this meeting was more about setting the "structure" of how to evaluate a City Manager. Instead, the Mayor and Council Member Guerra made the evaluation "personal" and gave Mr. Santillan a negative review. Council Member Trujillo recalled that Mr. Santillan did not raise his voice during the evaluation and only documented what was occurring.

#### **Mayor Robertson February 6, 2023 Complaint:**

When asked for his thoughts on Mayor Robertson's Complaint, Council Member Trujillo responded that it "was all opposite" because the Mayor "was the one disrespecting Mr. Santillan." He also thought Mayor Robertson's allegations were vague because he would not specifically detail

when certain "harassment" occurred or produce evidence (i.e. emails) supporting his allegations. Council Member Trujillo has not discussed the complaint with Mayor Robertson because "he would never speak with me."

**Observation of Interactions Between Mayor Robertson and City Manager Santillan:**

When asked, given the Mayor's allegations, if he has ever seen Mr. Santillan has reacted in any way towards Mayor Robertson that could be deemed unprofessional, Council Member Trujillo responded:

**"I have to say this...if the Mayor would've attacked me the way he's attacked the City Manager...there's been days where I just said...I bring a prayer thing because I'm like, I have to hit it, sometimes because I just don't understand how the City Manager has the ability to just sit there and take it." (Exhibit 22, Interview Transcript of John Trujillo, Page 23:7-20)**

Council Member Trujillo also recalled himself being berated by Mayor Robertson and he went home and told his wife that he now understood how Mr. Santillan feels when the Mayor attacks him in open session, "because it is bad."

**b. Credibility Assessment of Council Member John Trujillo**

The Investigator found that Council Member Trujillo spoke freely and was forthcoming about many of the allegations contained in Mayor Robertson's complaint. However, the Investigator found that Council Member Trujillo provided the Investigator with information that was uncorroborated and potentially overstated - specifically that Mayor Robertson had attacked Mr. Santillan's race. It is understood that Council Member Trujillo was referring to the April 2022 incident where a public citizen said during oral communication that the City was being run like a ghetto and Mayor Robertson did not stop the direct comments toward Mr. Santillan. However, the Investigator did not find this exaggeration to be intentional but rather his independent conclusion of what occurred.

Council Member Trujillo also offered information – specifically that he told the Mayor he was being "gay" – that objectively would place him in a bad light, which showed balance to the Investigator. In sum, the Investigator found that although Council Member Trujillo's opinions seemed to be sincere, the antipathy Council Member Trujillo demonstrated towards Mayor Robertson detracted from Council Member Trujillo's credibility with respect to some of his statements.

As a result, the Investigator only credited Council Member Trujillo's statements that were corroborated by other witnesses, documents, and/or City Council meeting recordings. Specifically:

- During a closed session meeting, Mayor Robertson told Mr. Santillan words to the effect of ***"Look, I'm going to make sure that every City around us knows that you can't handle me yelling at you. I'm going to make sure you never get hired."***
- The Mayor told Mr. Santillan that he needs to have thick skin.

- Mayor Robertson verbally attacked Council Member Navarro in a closed session after she was elected.
2. **Council Member Blanca Mendoza-Navarro**

a. **Interview Summary**

Council Member Blanca Mendoza-Navarro was elected to her role in December 2020, representing District One of the City. Although her election was "challenged"<sup>6</sup> and the City had paid for an attorney to represent her, a fact that the Mayor has brought up more than once in City Council meetings.

Council Member Mendoza-Navarro sees her role as a policymaker for the City. Outside of her role with the City, she is a housing programs compliance manager for Madera Housing Authority. She has been in public service in some capacity for almost twenty-four (24) years.

**Relationship to City Manager Santillan:**

Council Member Mendoza-Navarro was on the Council when they selected Mr. Santillan as City Manager. She recalled all members of the City Council, including Mayor Robertson, were in favor of Mr. Santillan because he was new to the City but had already proved himself in a short time that he could succeed in the role. Since his promotion to City Manager, Council Member Mendoza-Navarro describes their relationship as a "really good working relationship." She notes that they have a standing meeting every Monday before the Council Meeting where he will address any questions or concerns that the City Council has and he has told them they can also text message or call him with any questions. She understands the City currently has a seven-year employment contract with Mr. Santillan that was renewed in February 2023. Council Member Mendoza-Navarro understands that the City Manager is tasked with hiring, disciplining, and terminating his employees.

**Relationship to Mayor Robertson:**

Council Member Mendoza-Navarro has known Mayor Robertson for approximately ten years as they attend the same church and would exchange greetings. Once she ran for a position with the City Council, their relationship changed in that Mayor Robertson stopped saying hello and Council Member Mendoza-Navarro felt "the friendliness was not there anymore."

At her first City Council meeting, Mayor Robertson "verbally attacked" her during a closed session meeting. Council Member Mendoza-Navarro thought she could file a complaint against the Mayor for harassment/hostile work environment but she was informed that she could not because she was

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<sup>6</sup> Council Member Mendoza-Navarro ran against former Council Member Jim Avalos. It is understood that, on December 1, 2020, Avalos requested that the County do a recount. The County responded by setting a recount date and requiring Avalos to pay the cost required. Avalos then filed a legal contest against the county and Council Member Mendoza-Navarro in her capacity on the Selma City Council. [<https://sjvsun.com/news/fresno/you-are-playing-with-fire-selma-city-council-election-challenge-brings-unique-twist/>]

not a City employee and did not have the same protections. Still, Mayor Robertson puts a lot of "innuendos" in his statements during City Council meetings and she will hear a lot of "jabs" from the Mayor in his role where he "throws shade." She also noted that Mayor Robertson has overstepped in his role. For example, it had not been announced that Deputy City Manager Rob Terry<sup>7</sup> was leaving. Yet, Mayor Robertson and Council Member Guerra confronted him and asked where he was leaving to, which took Mr. Terry by surprise. Council Member Mendoza-Navarro thought this was an inappropriate conversation because they were undermining the City Manager. She also believed that Mayor Robertson and Council Member Guerra had a relationship with the former Public Works Director in that they would reach out to him directly rather than going through the City Manager.

She understands the Mayor's role used to be a rotating position that became an elected position in 2020 and is currently "more ceremonial." However, in the past, the Mayor has been used to running the City. Council Member Mendoza-Navarro recalled when she was first elected there were several resolutions before them which would have expanded the Mayor's duties and she voted no because she did not understand why they would change the role.

### **City Council Culture:**

Council Member Mendoza-Navarro recognizes that the City Council voting is typically split 3 to 2, with her, Council Member Trujillo, and Mayor Pro Tem Cho in the majority and Mayor Robertson and Council Member Guerra in the minority. She attributes this split to the members having different perspectives. For example, her vision is to look at the whole picture not how a policy could personally benefit her. Council Member Mendoza-Navarro believes Mr. Santillan does not favor one council member over another and she was not sure if that was something the Mayor was used to. She also recalled that she had been attacked "a lot" during Council meetings and she found out later that it was the Mayor and his wife<sup>8</sup> who coordinated with citizens to come and talk to her.

She also believed that the conflict within the City Council goes beyond Mr. Santillan. For example, former City Manager Ken Grey was not able to do his job without the Mayor trying to dictate what needed to be done. She feels the same thing is occurring with Mr. Santillan.

Council Member Mendoza-Navarro also commented on Mayor Robertson's complaint that this investigation was moving forward despite the City already rejecting his claim. Specifically, ***"...when you have a person that is presiding and it's constantly those innuendos, constantly those attacks, those hidden messages, those throwing shades and it's on the record. It's not like***

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<sup>7</sup> Council Member Mendoza-Navarro did not recall Mr. Terry's name or position but, based on other witness statements, the Investigator determined that Mr. Terry was the employee referenced.

<sup>8</sup> The Investigator notes that the Mayor's wife has publicly spoken out against the majority members on City Council. Her role as "first lady" was underscored by Council Member Mendoza-Navarro's statement that the racial component of the Council was four Hispanics and one Asian. She then corrected herself saying: ***"Oh, I'm sorry. There's only three of us...Well, because Mayor Robertson's married to a Hispanic lady and so I just...sorry. Yes, there's three."*** (Exh. 23, Page 21:21-22:1)

*it's something that 'oh, we can't go back and look'." (Exhibit 23, Interview Transcript of Council Member Navarro, Page 35:26-36:3)*

**April 2022 City Council Meeting:**

Council Member Mendoza-Navarro believed that there was an issue because the City's Public Works Director, Shane Ferrell, was being demoted. Although this matter was not on the agenda, during the oral communication portion of the meeting, there was one specific citizen, who was being derogatory and said words to the effect of not wanting the City to look like Parlier – a predominantly Hispanic community. Council Member Mendoza-Navarro did not think "too much" of the situation until afterward, recalling that it was strange that the public knew about this demotion.

Council Member Mendoza-Navarro recalled that Mr. Santillan brought up the incident later in a closed session meeting which caused her to understand that they needed to do a better job of protecting him. Because of this, there was a clause put in Mr. Santillan's employment contract to make sure that the Mayor was directing all comments at public meetings to the City Council and not staff. She understood that Mayor Robertson felt attacked by this because Mr. Santillan commented on how citizens even came to know of Mr. Farrell's demotion.

**December 2022 Performance Evaluation**

Council Member Mendoza-Navarro recalled that the performance evaluation of Mr. Santillan was conducted by topics and each topic was scored accordingly. She did not think there was prior guidance on how to conduct an evaluation of the City Manager and she had not done one before. Council Member Mendoza-Navarro thought all the "grades" for Mr. Santillan were satisfactory, including the evaluation from Mayor Robertson. However, one comment made by Mayor Robertson that stuck out to Council Member Mendoza-Navarro was his attribution to the City Manager's management skills or traits as to why employees were leaving. She did not think this was fair because the City Manager "obviously" cannot control why people are leaving. She recalled Mr. Santillan responded with the same reasoning.

She also recalled that Mr. Santillan gave the Council Members forms to fill out prior to the evaluation and he also gave them the option of giving the forms back or not. She personally did not give any documents back because all she wrote was "notes." However, Mayor Robertson and Council Member Guerra were "bothered" as they had taken the time to write down notes and Mr. Santillan did not collect them. Council Member Mendoza-Navarro did not believe that Mr. Santillan refused to collect them but instead gave the Council a choice as to whether to turn them in. According to Council Member Mendoza-Navarro, that Mr. Santillan did not collect the notes was not "personal."

**Mayor Robertson February 6, 2023 Complaint:**

When Council Member Mendoza-Navarro first saw the complaint, it reminded her of when she first brought her concerns to the City over Mayor Robertson – that they are not employees and do not have the same protections. However, she notes that Mayor Robertson will continuously bring

up that the City paid for her attorneys' fees as a reason why they should also provide him with legal counsel.

Substantively, Council Member Mendoza-Navarro thought the complaint was Mayor Robertson's lack of understanding of (1) his role as Mayor and (2) the role of a City Manager. The City Council has a duty to protect the City Manager. Council Member Mendoza-Navarro had never seen Mr. Santillan do anything that could be construed as threatening or harassing towards Mayor Robertson and had not seen Mr. Santillan not refer to the Mayor by his formal title.

She also thought the complaint was Mayor Robertson throwing a temper tantrum and was "very narcissistic." More specifically, *"[it] was somebody not getting their way, and [they] had been used to getting their way for many years."* She noted that Mayor Robertson will often point out that he is not part of the majority but she believes the majority is moving the City forward rather than playing games. She stated that Mayor Robertson was "throwing a temper tantrum" and he was essentially saying *"[m]e, me, me. The tension [is on] me. I'm the victim. I'm being harassed. I'm being pointed out."* (Exhibit 23, Interview Transcript of Council Member Blanca Mendoza-Navarro, Page 25:6-9)

She also thought that Mayor Robertson's comment that she and the other council members were consenting to harassment was him playing the victim role and had no validity.

When asked about Mayor Robertson's allegation that Mr. Santillan refused to reschedule a meeting that was on the same night as a prayer vigil for a fallen City officer, Council Member Mendoza-Navarro understood that they simply were not able to postpone due to certain matters on the agenda and because it had already been noticed. She also noted that one of the matters on the agenda was Mr. Santillan's updated renegotiation of his employment contract. However, she also recalled that the meeting went "really fast", as it was understood that there were very important time constraints, and they were all able to attend the vigil on time.

**b. Credibility Assessment of Council Member Blanca Mendoza-Navarro**

The Investigator found that Council Member Mendoza-Navarro responded directly to questions posed to her and provided truthful information to the best of her recollection. While it was evident to the Investigator that Council Member Mendoza-Navarro has personal friction with Mayor Robertson, this bias did not undermine her credibility given that she had personal experience with Mayor Robertson's treatment, rather than perceiving it from others. Moreover, many of her statements were corroborated by other witnesses, documents, and City Council meeting recordings.

As a result, the Investigator credited the following statements:

- Council Member Mendoza-Navarro has known Mayor Robertson for approximately ten years as they attend the same church and would exchange greetings. Once she ran for a position with the City Council, their relationship changed in that Mayor Robertson stopped saying hello and Council Member Mendoza-Navarro felt "the friendliness was not there anymore."

- At her first City Council meeting, Mayor Robertson "verbally attacked" her during a closed session meeting. Council Member Mendoza-Navarro thought she could file a complaint against the Mayor for harassment/hostile work environment but she was informed that she could not because she was not a City employee and did not have the same protections.
- Mayor Robertson has overstepped in his role. For example, it had not been announced that Deputy City Manager Rob Terry was leaving. Yet, Mayor Robertson and Council Member Guerra confronted him and asked where he was leaving to, which took Mr. Terry by surprise.
- The Mayor's role used to be a rotating position that became an elected position in 2020 and is currently "more ceremonial." However, when Council Member Mendoza-Navarro was first elected there were several resolutions before them which would have expanded the Mayor's duties and she voted no because she did not understand why they would change the role.
- The City Council votes are typically split 3-2, with her, Council Member Trujillo, and Mayor Pro Tem Cho in the majority and Mayor Robertson and Council Member Guerra in the minority.
- Although this matter was not on the agenda, during the oral communication portion of an April 2022 City Council meeting, there was one specific citizen who was being derogatory and said words to the effect of not wanting the City to look like Parlier – a predominantly Hispanic community.
- Mr. Santillan brought up the "Parlier" comment later in a closed session meeting which caused her to understand that they needed to do a better job of protecting him. Because of this, there was a clause put in Mr. Santillan's employment contract to make sure that the City Council was protecting Mr. Santillan from "a hostile work environment and/or harassing behavior, including by members of the public..."
- During Mr. Santillan's performance evaluation in December 2022, Mayor Robertson attributed Mr. Santillan's management skills and traits as to why employees were leaving. Mr. Santillan responded that he could not control why employees were leaving.
- On February 6, 2023, Mr. Santillan refused to reschedule a meeting that was on the same night as a prayer vigil for a fallen City officer. Council Member Mendoza-Navarro understood that they simply were not able to postpone due to certain matters on the agenda – including Mr. Santillan's updated re-negotiation of his employment contract – and because the meeting had already been noticed. However, the meeting went "really fast", as it was understood that there were very important time constraints, and they were all able to attend the vigil on time.

3. **Mayor Pro Tem Beverly Cho**

a. **Interview Summary**

**Background:**

Mayor Pro Tem Beverly Cho was elected to her position in November 2020 and represents District Four. In her role as Mayor Pro Tem, she will conduct meetings and attend events on behalf of the City if Mayor Robertson is unable to attend. Outside of her role with the City, Mayor Pro Tem also owns a family restaurant that has been in business for over sixty years, is vice president of the Chamber of Commerce, president of the Lions Club, and a member of the Five City league.

**Relationship to Mr. Santillan:**

Mayor Pro Tem has only known Mr. Santillan since his promotion to City Manager. Their relationship is both professional and social. She thinks he is very helpful with any questions she has on the agenda before City Council meetings and he will come to her restaurant on occasion. She describes herself as the "old one" and he as the "young one" who is really interested in learning about the City of Selma. She understands that the City Council is "the boss" of the City Manager and the City Manager oversees the rest of the City staff. Mayor Pro Tem Cho does not have any concerns with the way Mr. Santillan communicates with the City Council.

**Relationship to Mayor Robertson:**

Mayor Pro Tem Cho has known Mayor Robertson for at least ten years and she describes their relationship as cordial but they do not associate outside of their professional duties. She noted that Mayor Robertson used to purchase tickets from the Lions Club but does not do so anymore which she attributes to "pettiness" as he was friendlier before she became part of the City Council. She recalls in the beginning, when some of her decision-making was not "exactly" matching his or the majority's at the time, he would come after the other members, including her, publicly on Facebook. Specifically, she thought "*when you don't do something to their<sup>9</sup> liking, they go on Facebook and just blast you.*" Mayor Pro Tem Cho recalled drawing the line a few months into her tenure when "they" said something about her family and restaurant and they have not posted about her since. She also recalled they have also posted about Council Member Blanca Mendoza-Navarro similarly.

Mayor Robertson has also raised his voice to her. To her recollection, this occurred at a closed session when there was a different City Manager.

**City Council Culture:**

Mayor Pro Tem understands that Mayor Robertson has been with the City Council in some capacity for the past ten years and he "always had" the majority vote on most of the decision-

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<sup>9</sup> The Investigator understands that Mayor Pro Tem Cho considered "they" to be Mayor Robertson and his wife. Mayor Pro Tem also clarified that most of the "blasting" online came from Mayor Robertson's wife.

making for the City. However, Mayor Robertson lost his majority vote once she and Council Member Mendoza-Navarro were elected.

Mayor Pro Tem also recognized that the City Council is political and when they do not agree, things get "a little bit hyper." She thought this part of the territory and has just recently learned that it is not normal. She understands that Mayor Robertson has the most conflict with Mr. Santillan and he will occasionally raise his voice towards him and to other members on the City Council. When this occurs, she notes that Mr. Santillan does not respond in the same fashion.

When asked about the interactions between Mayor Robertson and Mr. Santillan, her opinion is that the City Manager does not follow the direction of the Mayor and the Mayor "wants to call the shots." Mayor Pro Tem also stated that if the Mayor is angry about something then he will "go a little bit hostile", although the hostility occurs more in closed sessions.

### **December 2022 Performance Review**

Mayor Pro Tem did not recall anything unusual about Mayor Robertson's performance review of Mr. Santillan. The Mayor gave him unsatisfactory reviews in at least some areas of the evaluation and it was her opinion that if it were up to the Mayor, the City Manager would not still be employed in his role. She personally gave Mr. Santillan a positive review. She could not recall what happened with the written notes she prepared but she did not recall the City Manager saying that he did not want the notes back.

### **Mayor Robertson February 6, 2023 Complaint**

It was not surprising to Mayor Pro Tem that Mayor Robertson lodged a complaint against Mr. Santillan as it was "typical" of something he would do. What she meant is that if there is a conflict, the Mayor does not have the frame of mind to "let it go that easy" and instead "wants to pull his power." She did not know what specifically caused Mayor Robertson to file a complaint but opined that he was unsuccessful in micromanaging the City staff members and Mr. Santillan had "challenged" him on this. For example, she recalled that the City Manager terminated the public works director who had been with the City for 20 years and the Mayor did not agree with this. She did not think there was any merit to the Mayor's complaint against Mr. Santillan.

When asked what her reaction was to Mayor Robertson's statement in his complaint that Mr. Santillan's 'harassment' occurred with the 'tacit consent of the three-member majority of the city council', Mayor Pro Tem Cho did not think there was anything done to him to cause him to say this.

Further, when asked about whether she has found Mr. Santillan and Mayor Robertson's interactions to be disrespectful or health discourse, she responded that Mayor Robertson is ***"almost like a child, I don't want to play with you anymore. I'm taking my toys, I'm going home."*** (Exhibit 24, Interview Transcript of Mayor Pro Tem Cho, Page 19:8-16)

**b. Credibility Assessment of Mayor Pro Tem Beverly Cho**

The Investigator found that Mayor Pro Tem Cho responded directly to some areas of questioning but equivocated on certain areas of inquiry. For example, Mayor Pro Tem Cho had a strong recollection of most events but did not recall why the last City Manager, Teresa Gallavan, was removed from her position. The Investigator found that Mayor Pro Tem's equivocation regarding this separate area of inquiry detracted somewhat from her credibility.

However, Mayor Pro Tem Cho's statements regarding Mayor Robertson's treatment of Mr. Santillan and other members of the City Council were consistent with the other credible witnesses. As such, the Investigator credited these statements accordingly.

**4. City Manager Fernando Santillan**

**a. Interview Summary**

**Background:**

Mr. Santillan has been the City Manager of the City of Selma since December 2021. He started with the City in February 2021 as a Community Development Director and was promoted to Deputy City Manager in September 2021. He started his career in local government at the City of Fresno and, prior to his employment with the City, he was the Community Development Director at the City of Avenal for six years. Mr. Santillan is a certified planner through the American Institute of Certified Planners and he is currently completing a Master's degree in public administration from the University of North Carolina at Chapel Hill.

Mr. Santillan understands that his role as City Manager is to oversee the budget, handle personnel decisions (i.e. hiring, firing), implement and enforce the policies of the City, and generally maintain relations with the City Council and the community. He currently has eleven direct reports (fire chief, police chief, deputy city manager, IT, finance director, community services director, city clerk, and executive assistant).

When he first started as City Manager, he generally reported to the City Council through memos, phone calls, one-on-one meetings, and City Council meetings. Now, he has more frequent one-on-one meetings except for Mayor Robertson and Council Member Guerra who "never" want to meet in person. This has been the case since the beginning of his role, which was surprising to him because he was appointed with a 5-0 vote.

**Working Relationship with City Council:**

Mr. Santillan describes his working relationship with the City Council as "very positive" and cordial. He thinks the communication with Council Member Guerra and Mayor Robertson is "hit or miss" as he will either have a nice conversation or it will be tense – mostly during Council meetings. He notes that the questions from them during meetings are very "pointed" or there might be implications of an underlying agenda. He thinks this happens at least once every meeting. At first, a lot of the comments were being directed at his staff which was difficult for him to "be okay

with" but he notes this has changed and they have started to be more positive and cordial with his staff.

**Relationship with Mayor Robertson:**

Mr. Santillan has known Mayor Robertson since February 2021 and describes their current relationship as "cordial." He notes that when he was appointed City Manager it was during an election year and "election cycles always distort people's behavior." Because of this, his first year was tense and this continued into 2022. Currently, he believes that Mayor Robertson has been more communicative than before despite writing in his complaint that he did not want to communicate with Mr. Santillan and that their relationship has been more positive than it has ever been. However, it will "fluctuate" depending on the circumstances.

**April 4, 2022 City Council Meeting:**

In April 2022, Mr. Santillan was in the process of terminating Shane Ferrell, the Public Works Director for performance issues. He understood Mr. Ferrell was supported in the community and Mr. Ferrell even told him that he would be bringing people to the meeting on April 4, 2022. During the public comment portion of the meeting, a citizen, Joan Nelson<sup>10</sup>, said that the City Council was hiring people to make the City a ghetto like Parlier. Mr. Santillan did not think much of this until another citizen spoke and said that she was from Parlier and resented the comment because it implied that "brown people are ghetto." He did not attribute this statement to Mayor Robertson, as he understood that Mr. Farrell was coordinating his own campaign of support.

**April 18, 2022, Closed Session Statement:**

Following the public comments made at the April 4, 2022 meeting, Mr. Santillan drafted a "closed session statement" because he determined the comments made during public comment were racially motivated. Because of this, he reminded Council of their responsibility to protect employees from racial discrimination. More specifically he wanted to point out that ***"hey, Mayor, when those kinds of things come up and that kind of language is used, you and the City Council have a responsibility to say something."*** Mr. Santillan's purpose of this written statement was to ensure that they knew they needed to step in to keep the public comments from "getting out of control."

He recalled that the majority of Council Members, aside from Council Member Guerra and Mayor Robertson, understood and agreed to amend his contract to protect him from further instances of this. He thought that the Mayor took his request as a restriction on his free speech and that Mr. Santillan was implying that the Mayor coordinated the comments.

**Amendment to Mr. Santillan's Employment Contract:**

Regarding the specific amendments, Mr. Santillan's base salary was increased and a provision was added that in order for him to be terminated, it would require 4 votes from the 5-member Council.

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<sup>10</sup> It was relayed by Mr. Santillan that her and Dwight Nelson had financially supported the Mayor's campaign.

Additionally, his severance was extended from nine months to eighteen months. His current contract is through 2027 and he has an option of extending it through 2028.

The amendments were made with the City Attorney and Mr. Santillan recalled they were being considered in August 2022 at a meeting. However, it was at this meeting that Mr. Santillan believed Mayor Robertson retaliated against him for making a complaint. More specifically, Mayor Robertson told him in a closed session that if he moved forward with a complaint to the California Civil Rights Department that he would sue Mr. Santillan for slander and let the surrounding cities know that Mr. Santillan cannot take criticism. Mr. Santillan took this as Mayor Robertson threatening to affect his future job prospects if he ever left the City. The last revision to the contract was completed on February 6, 2023, the same date as the Mayor's Complaint.

**Mayor Robertson February 6, 2023 Complaint:**

Mr. Santillan was asked directly about the allegations in Mayor Robertson's Complaint. For example:

***Allegation: On January 24, 2023, Mr. Santillan sent a "confidential" message meant to threaten and intimidate him by not addressing him by his title as "Mayor." The purpose of Santillan's email was not his stated purpose to memorialize his performance review.***

**Response:**

First, Mr. Santillan addresses correspondence to "Mayor and City Council Members" and "Members of City Council" interchangeably. He pointed out that the Mayor is technically a member of the City Council so it did not matter to him which introduction he used. He also recalled that Mayor Robertson had never had that complaint before February 6, 2023. Mr. Santillan also used the term "confidential" because it referenced a discussion during a closed session meeting.

Second, Mr. Santillan stated that he sent this email to "put on the record" that he did not accuse the Mayor of coordinating a campaign against him. He also thought that the Mayor threatening a lawsuit during a performance evaluation was retaliatory. More specifically Mr. Santillan opined that ***"[i]f I complaint to the counsel about something and then he brings that up in my evaluation to mark me down on my performance – that's illegal."*** The point of the email was for Mr. Santillan to document what had occurred because he did not think how Mayor Robertson communicated to him during his evaluation was proper.

***Allegation: Mr. Santillan claimed the Mayor retaliated against him during his performance review on December 16, 2022.***

**Response:**

Mr. Santillan explained that the whole point of the performance evaluation was "is my performance satisfactory or not?." If it was satisfactory, then Mr. Santillan was entitled to a 5% increase in salary per his contract. In his contract, it was left up to Mr. Santillan how he wanted to be evaluated and he provided the Council with a form to complete from the International City/County Management Association (ICMA). However, he understood from the evaluation meeting that the

Council members wanted to give their evaluation verbally. He recalled that Council Member Guerra, as did all the Council Members, had "very valid criticism" for him that he took in stride. More specifically, he recalled the consensus was that he needed to be out in the community more, doing more outreach, walking around town...but that he was doing a good job. Only Mayor Robertson voted to not give him a satisfactory rating. Even Council Member Guerra was satisfied with his performance even though she is normally on Mayor Robertson's side. He opined that Council Member Guerra's "heart is in the right place" but also thinks she "follows [Mayor Robertson's] lead."

***Allegation: Even though the Mayor spent a significant amount of my own personal time preparing and writing down my responses on the form the City Manager chose, the City Manager did not even bother to collect Council members' responses after the review.***

**Response:**

Mr. Santillan recalled that he offered to collect their evaluations and the council members collectively said they would just keep their notes as it was not necessary. Mr. Santillan also noted that it should have been the Mayor running the evaluation process and he should have been the one to say, "let me collect all these and give them to the HR director."

***Allegation: Mr. Santillan's email wrongfully accused the Mayor of a "further attempt to retaliate and intimidate" by improperly using Mr. Santillan's complaint as a basis for the evaluation of Mr. Santillan's performance.***

**Response:**

Mr. Santillan recalled the evaluation got contentious with Mayor Robertson "as expected" because he brought up things that were completely outside of Mr. Santillan's control. For example, Rob Terry, the City's Deputy City Manager had resigned because he had to move his family to Utah due to personal reasons. The Mayor brought up Mr. Terry's departure at the evaluation saying words to the effect of "you can't keep a deputy city manager on your team for more than a year." Mr. Santillan responded by telling Mayor Robertson the actual reason for Mr. Terry's departure and things "just went downhill."

Mr. Santillan also recalled that the Mayor tried to take a vote on terminating Mr. Santillan's contract. Mr. Santillan told him that this would not be possible because the matter was not on the agenda. He believed Mayor Robertson was upset about this because he wanted to be able to "report it" in an open session

***Allegation: Even though Mr. Santillan was asked by three Council Members to postpone this meeting due to a prayer vigil on the same night as Council for Selma's police officer who was recently killed in the line of duty, Mr. Santillan refused to reschedule.***

**Response:**

The Mayor is referring to the City Council meeting scheduled for February 6, 2023. Mr. Santillan recalled receiving an email from Council Member Guerra and a verbal request from Council

Member Mendoza-Navarro to cancel the meeting so they could attend the vigil. At first, Mr. Santillan stated that he told the Council Members that he had conferred with the City Attorney and that cancelling the meeting would be in violation of the Brown Act. Later in the interview, he admitted that he did not explain that cancelling the meeting would be in violation of the Brown Act, just that they could not cancel it. It was not until a follow-up meeting where he was publicly reprimanded by Mayor Robertson and Council Member Guerra for refusing to cancel the meeting that he explained the basis for his reasoning. However, Mr. Santillan also notes that he assumed one of the reasons that "they" wanted to cancel the meeting was because the revisions to his employment contract was on the agenda. He thought that the Mayor and Council Member Guerra's public reprimand was "retaliation for refusing to break the law" so he filed a complaint with the Labor Commission.

***Allegation: Another instance of his disrespectful conduct towards the Mayor was his failure to respond to many of the Mayor's emails. For instance, when I asked City Manager Santillan for a list of Selma's projects in preparation for the state of the city address I was asked to deliver to the local Rotary Club on January 31, 2023, the City Manager completely ignored my email.***

**Response:**

Mr. Santillan admits he probably did not respond to this request but it was not intentional. Rather, he had been on vacation out of the country until January 21, 2023, and thought he just did not see it while he was catching up on emails.

***Allegation: Mr. Santillan showed disrespect and disregard for me by lying to me about the meeting not taking place with Mr. Nelson.***

**Response:**

Mr. Santillan understood that the Mayor thought he had lied about the scheduling to just not have him involved but that was taken out of context. This was also brought up by the Mayor at his evaluation.

Mr. Santillan stated Mr. Nelson has a "difficult personality" and he has met with him several times. For the specific meeting complained of, Mr. Nelson was seeking an application for development. Mr. Santillan believed that, generally speaking, City Council members should not be involved in this task because "then you introduce politics and favoritism and all those kinds of things and conflicts of interest." As a result, Mr. Santillan had scheduled a meeting with Mr. Nelson to discuss something separate from what the Mayor was requesting a meeting on.

Overall, Mr. Santillan thought that Mayor Robertson's complaint was based on a lack of understanding of employment law and him being misinformed as to the relationship between the City of Selma Mayor and the City's employees. Mr. Santillan did not believe he had ever engaged with Mayor Robertson in a manner that could be construed as aggressive, disrespectful, or harassing. Rather, Mr. Santillan thinks the source of conflict between him and the Mayor is due to the Mayor not being part of the Council majority. More specifically, because the Council majority makes policy decisions that the Mayor is not in agreement with, when Mr. Santillan executes them, Mayor Robertson believes that Mr. Santillan is going against Mayor Robertson's "ideology." He

also understands that he and the Mayor have political differences as Mr. Santillan has terminated employees that the Mayor was in support of<sup>11</sup> and the Mayor was accustomed (prior to Mr. Santillan's tenure) to having "a lot of influences" with personnel decisions within the City. It was when Mr. Santillan became City Manager and asserted his authority that Mayor Robertson likely saw it as a challenge to his already established authority. Mr. Santillan also opined that he did not believe the Mayor had received pushback from prior City Managers and Mayor Robertson's complaint was driven by Mr. Santillan standing up to the Mayor.

**b. Credibility Assessment of City Manager Fernando Santillan**

The Investigator found that Mr. Santillan presented professionally and was forthcoming with information about his interactions with Mayor Robertson and the City Council. The Investigator further found that Mr. Santillan was credible concerning his responses to the Mayor's allegations in his February 6, 2023 complaint. The Investigator found that Mr. Santillan responded directly to questions posed to him and the Investigator's independent assessment of the video recordings of the public portions of the April 4, 2022, March 6, 2023, and June 19, 2023 meetings further corroborated the hostile nature of Mayor Robertson and Mr. Santillan's professional demeanor.

However, the Investigator noted that when asked about the cancellation of the meeting issue, Mr. Santillan first stated that he told the inquiring Council Members that it would not be possible because the meeting had already been noticed and it would be a violation of the Brown Act to not proceed. However, when asked again later in the interview whether he conveyed the Brown Act position to the City Council, Mr. Santillan clarified that he only said he spoke to the City Attorney and it was not possible. Mr. Santillan stated that he did not want to say to the City Council "[y]ou guys would be breaking the law." The response from Mayor Robertson to Mr. Santillan's refusal to cancel the City Council meeting on February 6, 2023, is the subject of Mr. Santillan's June 12, 2023, Department of Industrial Relations ("DIR") complaint. The Investigator noted that Mr. Santillan's statements regarding his refusal to cancel the February 6, 2023, City Council meeting would benefit his DIR complaint. As such, Mr. Santillan may have other motives for his statements which detracted from his credibility on this topic.

The Investigator also noted that Mr. Santillan's comment that he thought Mayor Robertson's complaint was based on a lack of understanding of employment law and him being misinformed as to the relationship between the City of Selma Mayor and the City's employees was deflecting the actual allegations in the complaint by pointing to a technicality rather than the substance of the complaint. However, the Investigator found that Mr. Santillan's direct response to each of the allegations he was questioned on further bolstered his credibility. Moreover, many of Mr. Santillan's statements were corroborated by other credible witnesses, documents, and City Council meeting recordings. The Investigator credited Mr. Santillan's statements accordingly.

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<sup>11</sup> Exhibit 14

## **VIII. FACTUAL FINDINGS**

### **1. Whether City Manager Fernando Santillan engaged in workplace harassment and/or retaliation against City of Selma Mayor Scott Robertson.**

Mayor Robertson alleged that Mr. Santillan's behavior towards him was harassing and retaliatory and constituted threats of intimidation that interfered with his ability to perform his duties as Mayor. Generally, workplace harassment requires an environment that is hostile, intimidating, offensive, or abusive. (*See, generally* CACI 2521A) Conduct may reach the level of workplace harassment if such behavior is based on a protected classification to which the employee subject to the conduct belongs. To be actionable, retaliation generally requires an employee to engage in "protected activity" (i.e. opposing illegal practices, requesting an accommodation for religious practice or disability).

At the outset, Mayor Robertson is not an employee of the City – he is an elected official. Notwithstanding this, in the instant circumstance, Mayor Robertson's complaint only offered conclusions and did not provide any detailed information establishing that Mr. Santillan engaged in harassing and/or retaliatory conduct. The allegations of disrespect (*i.e.*, that Mr. Santillan failed to respond to an email and that Mr. Santillan failed to address him as "Mayor" in an email) do not amount to instances of harassing or retaliatory conduct. Mayor Robertson further did not provide any information in his written complaint or during his public comments on March 6, 2023, or June 19, 2023, that would suggest that Mr. Santillan's conduct towards him was due to any protected classification. Rather, the credible documentary and oral evidence established that Mayor Robertson's frustration with not being in the majority of the City Council colored his perception that Mr. Santillan was engaging in misconduct towards him. As a result, the Investigator found that the preponderance of the evidence did not support this allegation and it is **NOT SUSTAINED**.

## **IX. POLICY ANALYSIS AND FINDINGS**

### **1. Whether City Manager Fernando Santillan engaged in conduct that violated City of Selma rules, regulations or any other applicable regulations governing his conduct as a City employee.**

**FINDING:** The Investigator found that the preponderance of the evidence did not support a finding that Mr. Santillan violated the City's Discrimination and Sexual Harassment Policy and Complaint Procedure (Amended March, 2001). Therefore, this allegation is **NOT SUSTAINED**.

#### **RATIONALE FOR FINDING:**

The City's Discrimination and Sexual Harassment Policy and Complaint Procedure states, in relevant part, that the City is committed to providing a work environment that is free of discrimination. The Policy further provides that no person, shall discriminate, or be discriminated against, on the basis of race, religious creed, color, national origin, ancestry, sex, age, marital status, sexual orientation, physical disability, mental disability, or medical condition.

Accordingly, the analysis here is straightforward. Mayor Robertson did not provide any information that he was harassed and/or retaliated by Mr. Santillan due to any protected class

status. Rather, his complaint provides alleges that Mr. Santillan retaliated against him as a result of his performance review in December 2022. Mayor Robertson further complained that Mr. Santillan's "disrespectful and insubordinate" actions was because Mr. Santillan, himself, intended to "lay the foundation for a case against me." That Mr. Santillan made complaints about Mayor Robertson's conduct is not harassment of Mayor Robertson nor is it a violation of City policies.

As a result, the Investigator found that the preponderance of the evidence did not support a finding that Mr. Santillan violated the above Policy and this allegation is **NOT SUSTAINED**.

**2. Whether City Manager Fernando Santillan engaged in harassment, intimidation or other disruptive behavior in violation of the City's Workplace Violence Policy and Procedures.**

**FINDING:** The Investigator found that the preponderance of the evidence did not support a finding that Mr. Santillan violated the City's Workplace Violence Policy and Procedures. Therefore, this allegation is **NOT SUSTAINED**.

**RATIONALE FOR FINDING:**

The City's Workplace Violence Policy and Procedures provide, in relevant part, that the City is committed to providing a work environment that is free from violence, threats of violence, harassment, intimidation, or other disruptive behavior. The Policy further provides that examples of such behavior include verbal or written statements, gestures, and/or expressions that communicate a direct or indirect threat of physical harm or abuse.

The preponderance of the evidence did not establish that Mr. Santillan engaged in harassment, intimidation, or other disruptive behavior that could constitute workplace violence. Rather, the evidence established that the conduct alleged by Mayor Robertson was the result of Mr. Santillan stepping into his role as City Manager without seeking the approval of Mayor Robertson for personnel decisions within his role. Moreover, statements about Mayor Robertson's own conduct towards Mr. Santillan were stronger pieces of evidence of disruptive behavior. For example, Mayor Robertson being upset enough to lodge a complaint that Mr. Santillan did not refer to him by his formal title in an e-mail, did not respond to one of his emails, and did not collect the Mayor's written performance review or Mr. Santillan was seen as more disruptive behavior to the Investigator than any alleged attempt to "threaten and intimidate him."

Rather, the Investigator found that Mayor Robertson's fellow Council Members' statements were more telling of why Mayor Robertson lodged a complaint against Mr. Santillan. Specifically that Mayor Robertson's complaint was the result of:

*"...somebody not getting their way, and [they] had been used to getting their way for many years...[m]e, me, me. The tension [is on] me. I'm the victim. I'm being harassed. I'm being pointed out." (Exhibit 23, Page 25:6-9)*

*"almost like a child, I don't want to play with you anymore. I'm taking my toys, I'm going home." (Exhibit 24, Page 19:8-16)*

*"...if the Mayor would've attacked me the way he's attacked the City Manager...there's been days where I just said...I bring a prayer thing because I'm like, I have to hit it, sometimes because I just don't understand how the City Manager has the ability to just sit there and take it." (Exhibit 22, Page 23:7-20)*

Lastly, although Mayor Robertson and Council Member Guerra refused to cooperate and sit for interview, the Investigator reviewed substantial video footage from multiple City Council meetings and found that Mayor Robertson and Council Member Guerra's conduct was consistent with the recollection of the other Council Members. It was these videos that were the strongest evidence of Mayor Robertson's disruptive conduct and Mr. Santillan's lack thereof. For example, the Investigator found that the Mayor would interrupt City Council members while they were speaking (**Exhibit 16**, Page 1), would personally attack Council Members or Mr. Santillan in open session (**Exhibit 16**, Page 2, **Exhibit 15**, Page 4-5) and would allow Mr. Santillan to be personally attacked by members of the public during open session (**Exhibit 15**, Page 1-6). It was noted that when the Mayor would make comments directed at Mr. Santillan, the Investigator observed that Mr. Santillan communicated professionally and did not make any comment that could reasonably be perceived as harassing, intimidating, or disruptive. Therefore, this allegation is **NOT SUSTAINED**.

#### **X. CONCLUSION**

The Investigator finds that the preponderance of the evidence supported factual findings that Allegations #1 & #2, and #3 are **NOT SUSTAINED**.

Respectfully submitted,

  
\_\_\_\_\_  
Alfonso Estrada

# EXHIBIT 1

Please accept this email as a claim by me against the City for harassment and retaliation by City Manager Santillan. Once again City Manager Santillan is targeting me by attempting to silence and intimidate me with threats of litigation. I wish to put the city on notice that I will not be a target of the City Manger's threats and attempts at intimidation which are interfering with my ability to perform my duties as Mayor. CMS sent a "confidential" message meant to threaten and intimidate me with his latest email of January 24, 2022 on which he copied me but did not address by my title as Mayor. This was meant to subtly disrespect me and is indicative of the City Manager's continued attempts to target me. Instead he addressed his email to "Members of Selma City Council which I am certainly a part of, but most of his emails have in the past been addressed to Mayor and Council Members." Perversely his latest attempt at threatening and intimidating me contains an accusation of me retaliating against him during his Performance Review conducted by the Selma City Council on December 16, 2022 at a special meeting in December. During this review I spent several hours relating my honest critique of his performance over the last 12 months which is what his contract calls for in Section V, A: Evaluation of Performance. CMS was not only afforded the opportunity to use the written evaluation form he chose, he was also able to choose the format of the review which was Santillan responding to each of the Council members verbal input for each of the evaluation items. Even though I spent a significant amount of my own personal time preparing and writing down my responses on the form the City Manager chose, the City Manager did not even bother to collect Council members' responses after the review. The City Manager exhibited an attitude of disrespect to me and those of us who took the time to formulate written responses by not asking for a written record of the review which would become part of his personnel file. Santillan's email wrongfully accuses me of "a further attempt to retaliate and intimidate" by "improperly using my complaint as a basis for the evaluation of my performance." It is noteworthy that Santillan thought so little of this review that he didn't even bother to collect written evaluations from each council member including myself but now uses it to further attack me and my leadership on the City Council.

The purpose of Santillan's email of January 24 was not his stated purpose to memorialize his performance review which was conducted in accordance with the City Manager's employment agreement with the City. As is evident from the agenda of the next regular City Manager attended by the City Manager, Santillan's re negotiation of his contract appears as a closed session item. Even though Mr Santillan was asked by 3 council members to postpone this meeting due to a prayer vigil on the same night as Council for Selma's police officer who was recently killed in the line of duty, Santillan refused to reschedule. It is plainly evident Santillan puts his own interests and the immediacy of his needs for a more favorable agreement for himself above the City's grieving process

The City Manager has demonstrated a pattern of disrespectful behavior towards me. An example of his disregard for my input as the popularly elected Mayor at large has already been noted in his blatant disregard of my written evaluation of his performance during which he didn't even ask to collect the written evaluations to give to HR to put in his file. Another instance of his disrespectful conduct towards

me is his failure to respond to many of my emails. For instance, when I asked City Manager Santillan for a list of Selma's projects in preparation for the state of the city address I was asked to deliver to the local Rotary Club on January 31, 2023 the City Manager completely ignored my email. I wasn't asking for a personal favor which I have never done with him, I was asking for information he alone would have as the City Manager and he failed to even acknowledge my request. My email is attached as "Exhibit A."

Another instance of Mr Santillan's disrespect and disregard for me as a member of City Council occurred when I was contacted by Mr Dwight Nelson, a Selma business owner. I emailed the City Manager asking to be part of the next meeting between the City Manager and Mr Nelson. As Mayor I am a representative for the people of Selma who sometimes ask for help in discussing their issues with the city. Mr Santillan emailed my back that such a meeting was not going to happen. This email is attached as "Exhibit B." After that I was approached by Mr Nelson to attend a meeting which according to Santillan would not take place. Mr Nelson's email invitation to me is attached as "Exhibit C." Santillan showed disrespect and disregard for me by lying to me about the meeting not taking place with Mr Nelson. Further his disrespectful and insubordinate actions interfered with me being able to perform my job duties as Selma Mayor to be an advocate for citizens at meetings with the city administration.

The City Manager clearly intends to lay the foundation for a case against me for alleged repeated threats and retaliation against him by me. However his foundation is built on lies and misstatements. Whether he is aware of it or not his frequent and repeated emails targeting me with threats of legal action constitute harassment by him of me. Furthermore his conduct towards me is interfering with my ability to carry out my job as Mayor. Such harassment has occurred with the tacit consent of the 3 member majority of the City Council. Mayor Pro Tem Cho, Council Member Trujillo and Council Member Mendoza Navarro have allowed such harassment to continue and by doing nothing since April 2022 are condoning and advocating it. Because of this I have no choice but to put the City Attorney on notice of a potential claim against the city's Employment Practices Liability policy for harassment of me. By doing nothing about the harassing behavior of the City Manager and his repeated targeting of me through his threatening and retaliatory emails, they make themselves a party to such behavior. Consider the difference between how I responded to the situation at the April 18 Council Meeting and how the City Manager has repeatedly threatened me in order to leverage the City Council majority of 3 for a more favorable employment agreement:

As soon as the City Manager communicated his discomfort at the next Council meeting closed session at being criticized by 2 members of the public for his decision to demote a 20 year veteran Public Works director to an entry level position, I acknowledged his feelings and amended my comments at the beginning of each meeting to include the following: In order to reduce the liability to the city the public is asked to direct their comments at the city council not city employees. I did this out of sensitivity to the City Manager's stated discomfort at public criticism for an employment decision he made. This could have ended the matter with the Council using that meeting as a teachable moment, but instead the City Manager chose to leverage the 3 majority members of the Council who it can be seen from the minutes of nearly every City Council meeting since December 2020 have voted opposite of my vote. The City Manager used the 2 critical comments from the public during oral communications as leverage to secure a more favorable contract for himself. This was the beginning of his threats against me. In his emails the City Manager repeatedly says any of the criticisms being debated as "retaliation" and grounds

for more of his threats of legal action. The City Manager is no fan of free speech when he doesn't agree with the content and in his emails he attempts to preclude any debate of his defenseless position by not allowing any debate or discussion of the items he raises. Any discussion of his demands constitute "retaliation" according to Santillan's self serving dictum.

In his second threatening and retaliatory email the City Manager repeats his claim against me of violating his amended contract which the 3 Majority Members of Council approved. I recused myself from discussion and the vote on this amended contract because it was based on the false claim by the City Manager that I created a hostile workplace for him at the April 18, 2022 Council Meeting by not regulating the free speech of the Public speaking during oral communications. This second attempt to target me by the City Manager adds another Council member this time, Council Member Sarah Guerra as an additional target of Santillan's. The City Manager claims the Council Member and I attempted to gain confidential employment information from the Deputy City Manager. The reality of what happened was that Council Member Guerra and I after a Council Meeting stopped by on our way out to chat with the Deputy City Manager who was rumored to be leaving the City's employment. We asked Rob if the rumor was true and he said his role would be changing with the city. We left it at that and went on our way. The conversation was brief and in no way constituted an attempt to gain "Confidential Employment Information." A close colleague of the Deputy City Manager had called me earlier asking "What is going on with your City? Rob Terry handed in his resignation. Just thought you needed to know this." As Mayor this was of concern since the Deputy City Manager handled the lion's share of city planning activities.

Nov  
21  
email

Yet again the City Manager used this event to attempt to gain a more favorable employment agreement with the city. Specifically his game plan has been to use his threatening emails against me to leverage his demands against the city council majority. What he does is make his stated threat against me the Mayor which the 3 majority council members are inclined to believe because they have been my opponents ever since they attained a majority in 2020. But his threat is really against them too as members of the governing board of the city. As his threats make clear if the majority denies his demands, the city will face legal action. So Santillan makes his demands more palatable by using me the Mayor as his target whom the council majority can then blame. However with the 2<sup>nd</sup> demand email the City Council did not cave in immediately to his demands. Instead the City Council conducted his performance review without the 2<sup>nd</sup> amended contract demanded by the City Manager. So the City Manager again used his performance review to complain about "retaliation" by me to justify his demand for an amended contract which would give him a substantial pay raise among other benefits for the City Manager. And this occasioned the third threatening email from Santillan.

I refuse to be the target any longer of Santillan's threats against me. To give you an idea of the very real threats I am faced with by this oppositional Council Majority, during the election of 2020 I was threatened by a city police volunteer that he was going to "hit me in the face." He harassed me and my family as we carried elections signs. I reported this physical threat to Selma PD and filed a police report. After the election of the new City Council majority which stands to this day, this volunteer was promoted to a paying position with the Parks and Community Services Department. This Council majority has sho

wn a pattern of disregarding my rights and even my personal safety.

My health has suffered as a result of Santillan's harassment: I do not sleep as well and I have frequent anxiety ever since the repeated targeting of me by the Selma City Manager began. We all know the tragic loss of Selma Mayor Don Tow due to a heart attack while he was serving as Selma's Mayor. Many said his sudden and fatal heart attack was brought on by the pressures he faced during his time as Mayor.

For these reasons I am requesting this matter appear on the next City Council agenda as a closed session employment matter- anticipated litigation. I want all direct communications to cease between City Manager Santillan and myself except during City Council open and closed session meetings. This means any email from Santillan to me must go through the City Attorney who may forward the email to me. If there is an emergency matter that must be conveyed by text, all the council members should receive this anyway and that is permissible. However I wish all phone calls and texts from the City Manager directly and only to me to cease. The City Manager is not welcome at my place of business nor is he invited to my residence. If I must be at City Hall while the City Manager is there is to be no attempt to contact me by the City Manager. To this end please accept this as a request to the City Attorney to formulate MOU between the city and myself with these terms. The consequence of inaction or the violation of these terms will be legal action by me. In summary I am tired of the City Manager's continued harassment, attempts to threaten me and to use me as leverage to secure a more favorable employment agreement with the City Council majority and his repeated threats are preventing me from doing my job as elected Mayor of the People of Selma. To be acceptable to me, the MOU must contain the following:

For each instance of unwanted direct contact the City will owe the sum of five thousand dollars (\$5,000). Such sum will be payable to a CA 501 C 3 accredited non profit of my choice.

Health benefits will be payable by the City to my spouse Rose Gallardo Robertson and me until I reach the age of 65 at the current level of benefit and deductible, co pay terms with changes periodically made per the annual renewal of such benefit plan to the City.

I will follow up on this email with a phone call to you to discuss the terms of the MOU for the next Council meeting.

A handwritten signature in cursive script that reads "Scott Robertson".

2-6-23

Exhibit "A"

**Scott Robertson**

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**From:** Scott Robertson  
**Sent:** Tuesday, January 24, 2023 12:13 PM  
**To:** Fernando Santillan  
**Subject:** Project List

Hi City Manager,

The Selma Rotary Club has requested me to provide a state of the city address next Tuesday. Would you have a list of projects Selma is working on so I can deliver to the Rotary Club next week? For example the Clarkson Lift Station on the West side of the city and all those projects in development would be great to mention as well as other. Thank you for your help with this.

Scott Robertson

Exhibit "B"

**Scott Robertson**

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**From:** DWIGHT NELSON <dgn1443@aol.com>  
**Sent:** Thursday, November 10, 2022 12:04 PM  
**To:** Scott Robertson  
**Cc:** dealersec; Executive Assistant  
**Subject:** Re: Hwy 43 Road Improvement Schedule

Fernando is misinformed. A meeting is critical to have in order to allow my development to proceed after 4 years of trying. Between you and I it appears that you are being intentionally misinformed by Fernando and possibly Rob T.

Sent from my iPhone

On Nov 10, 2022, at 11:49 AM, Scott Robertson <ScottR@cityofselma.com> wrote:

Hello Dwight,

Below is the response from the City Manager regarding your question re the offsite improvements timeline.

Scott Robertson

**From:** Fernando Santillan <FernandoS@cityofselma.com>  
**Sent:** Saturday, November 5, 2022 7:53 PM  
**To:** Scott Robertson <ScottR@cityofselma.com>; Rob Terry <RobT@cityofselma.com>  
**Subject:** RE: Hwy 43 Road Improvement Schedule

Hi Mayor Robertson,

Thank you for forwarding Mr. Nelson's email. We are still coordinating internally regarding the project schedule, as the encroachment permit was just received.

As I mentioned to Dwight over the phone, we will be reaching out to him as soon as we have a clearer picture of the timeline, which should be soon. At this time, a meeting would not be productive as we do not have any further information to provide besides what we've already discussed with him.

Thanks,  
Fernando

Fernando Santillan, AICP  
City Manager  
City of Selma  
Office: (559) 891-2200 ext. 2250  
Cell: (559) 365-5573  
[fernandos@cityofselma.com](mailto:fernandos@cityofselma.com)

Exhibit "C"

**Scott Robertson**

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**From:** Dwight Nelson <dgn1443@aol.com>  
**Sent:** Thursday, November 10, 2022 2:43 PM  
**To:** Scott Robertson  
**Cc:** dealersec@selmaautomall.com  
**Subject:** Re: Hwy 43 Road Improvement Schedule

we have a meeting scheduled for Nov 15 at 3pm with them on other subjects would you like to attend?

# Exhibit "C" - Continued

## Scott Robertson

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**From:** Scott Robertson  
**Sent:** Tuesday, November 15, 2022 10:36 AM  
**To:** Dwight Nelson  
**Subject:** RE: City of Selma Meeting

Thank you for letting me know Dwight and for sending me your list of items you would like to see the city address. I plan on attending the meeting today and thank you again for your invitation.

See you soon,  
Scott

**From:** Dwight Nelson <dgn1443@aol.com>  
**Sent:** Tuesday, November 15, 2022 8:34 AM  
**To:** Scott Robertson <ScottR@cityofselma.com>  
**Cc:** kellie@nelsongroupauto.com; amber@nelsongroupauto.com; dealersec@selmaautomall.com  
**Subject:** City of Selma Meeting

Dear Mayor Robertson -

Thank you for agreeing to join our meeting today at 3:00 pm with Fernando and I believe Rob Terry. I have left messages previously during the past 3 weeks trying to have communication with Rob Terry and he has never allowed that to take place. Yesterday I called and finally got through to Rob Terry and before I could even have 60 second of conversation, he blew me off and hung up the phone.

Today I hope to get resolution on the following items, some have been outstanding for over 3 years:

1. McCall Ave Specific Plan and other main thoroughfares into Selma
2. Auto Center Sign at Floral & Highland Avenue
3. Unpaved Parking lots
4. Toyota Impact Fees
5. Pea Soup Anderson Blvd
6. Highway 43 Roadwork
7. Apartment project fees
8. Walmart Property

I just wanted you to know in advance which items we are trying to find resolution with.

Thank You,  
Dwight

# EXHIBIT 2

## EMPLOYMENT AGREEMENT

This Employment Agreement (the "Agreement") is made this 6th day of December, 2021, by and between the City of Selma, California, a municipal corporation (hereinafter, the "City") and Fernando Santillan, an individual, (hereinafter, "Employee"). City and Employee are hereinafter collectively referred to as the "Parties" and individually as "Party."

### RECITALS.

The City desires to employ the services of Employee in the capacity of City Manager, and further desires to assure the service of Employee by establishing herein certain salary and limited benefits, and other terms and conditions of her employment.

Employee desires to accept employment as City Manager effective on December 8, 2021.

NOW THEREFORE, in consideration of the mutual covenants, promises, and representations hereinafter set forth, the Parties agree as follows:

### SECTION I DUTIES

A. The City hereby agrees to employ Employee as City Manager, conferring upon and delegating to Employee the overall responsibility for management and administration of the City as set forth in the City's Municipal Code ("Code") and to perform such other legally permissible and proper duties and functions as the Selma City Council hereinafter ("City Council") may from time-to-time assign.

B. Employee accepts employment as City Manager and agrees to serve as such. Employee shall serve as an officer of the City pursuant to the authority set forth in applicable State law, and Chapter 18 (City Manager) of Title I (Administrative) of the City's Code. Employee shall be responsible for attending all regular, adjourned regular and special City Council and Successor Agency meetings or other meetings of City agencies and commissions, which are generally held on the first and third Mondays of each month, all City Council agenda meetings, Department Head meetings, Oversight Board meetings, and maintain regularly scheduled office hours at City Hall.

C. Employee shall perform his duties to the best of his ability in accordance with the highest professional and ethical standards of the profession. He shall comply with and carry out the City's rules and regulations and he shall obey the laws of the State of California and the United States of America as they apply to the performance of his duties.

D. Employee shall devote his full energies, interest, abilities and productive time to the performance of this Agreement and shall not, without the City's prior written consent, render services of any kind to others for compensation or engage in any other activity which would materially interfere with the performance of his duties under this Agreement.

E. Employee shall not engage in any activity which is or may become a conflict of interest with his obligations to the City or which might create an incompatibility of office as defined under California law. He shall also complete and file financial disclosure statements immediately upon entry into his employment and annually thereafter pursuant to California law.

## SECTION II

### TERM

The term of this Employment Agreement shall be three (3) years effective on December 8, 2021 and will remain in full force and effect until December 8, 2024, unless otherwise terminated as set forth herein.

A. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the City Council to terminate the services of Employee at any time, subject only to the provisions set forth in Section IV of this Agreement.

B. The Parties recognize and affirm that: 1) Employee is an "at will" employee whose employment may be terminated by the City without cause; 2) there is no express or implied promise made to Employee for any form of continued employment; and 3) this Agreement is the sole and exclusive basis for an employment relationship between Employee and the City.

C. Employee agrees to remain in the exclusive employ of the City during the term of this Agreement. This Agreement shall not be construed to preclude volunteer work performed by Employee, so long as the provisions set forth in Section I, paragraphs (D) and (E) of this Agreement are not violated.

## SECTION III

### COMPENSATION

A. The City agrees to pay Employee for his services rendered hereunder at the following annual rates subject to an annual performance evaluation in years two and three resulting in an average minimum rating of "satisfactory performance" which sums shall be considered the base salary and shall be payable in installments at the same times as the City's other employees are paid, and subject to customary withholdings:

Year One: December 8, 2021 to December 7, 2022: One Hundred Eighty-Eight Thousand Dollars and Zero Cents (\$188,000.00)

Year Two: December 8, 2022 to December 7, 2023: One Hundred Ninety-Seven Thousand Dollars and Zero Cents (\$197,000.00)

Year Three: December 8, 2023 to December 7, 2024: Two Hundred Seven Thousand Dollars and Zero Cents (\$207,000.00)

Should the City Manager's annual evaluation not occur within 30 days' following the City Manager's Anniversary Date, the increases noted in paragraph A above shall be automatic and not subject to the minimum satisfactory performance review requirement.

## SECTION IV

### TERMINATION AND SEVERANCE PAY

A. The City Council may terminate this Agreement for convenience in its absolute discretion upon thirty (30) days written notice to Employee, except the City Council may not terminate this Agreement for convenience as set forth in the then applicable provisions of the City's Code. If Employee is terminated by the City Council for (1) refusing or failing to carry out the duties of the City Manager as set forth in the Government Code, the City's Code, or herein; (2) conviction of a felony; (3) conviction of any illegal act involving

moral turpitude or personal gain; or (4) a plea of nolo contendere to any felony or illegal act involving moral turpitude or personal gain, the City shall have no obligation to provide thirty (30) days' advance written notice and the Employee shall not be entitled to severance pay as set forth herein.

B. In the event Employee is terminated by the City Council and Employee is willing and able to perform the duties of City Manager, the City shall pay Employee a lump sum cash payment, or payment in equal installments over a nine (9) month period, at the option of Employee, equal to the Employee's then nine months' base salary. Such severance, as set forth herein, is contingent upon Employee signing and delivering a general release and waiver of all claims against the City (including and without limitation to its former and current elected officials, employees, officers and agents). Such severance shall be payable on the tenth (10) day after the general release and waiver is fully executed by the City and Employee. Any severance amount paid pursuant to this Agreement shall be subject to the restrictions set forth in Government Code Sections 53260 and 53261, or any successor statutory restrictions.

C. In the event Employee voluntarily resigns his position with the City at any time during the term of this Agreement, Employee shall give the City no less than forty-five (45) days' written notice, unless the Parties otherwise agree in writing. Failure of Employee to give the required forty-five (45) days' written notice of resignation will result in a pro-rata reduction in benefits normally payable, if any, to resigning City employees, such as, but not limited to, accrued vacation payment, sick leave payment, and the like. Voluntary resignation by Employee will result in a loss of any and all severance pay to him by the City.

## SECTION V

### EVALUATION OF PERFORMANCE

A. The City Council shall review and evaluate the performance of Employee at least annually, but not later than the anniversary date of this Agreement, or at other times chosen by the City Council in its sole discretion. Said review and evaluation shall be in accordance with specific criteria developed by the City Council with consultation from Employee. Said criteria may be added to or deleted from as the City Council may from time to time determine, in consultation with Employee. Further, the City Council shall provide Employee with a summary written statement of the findings of the City Council and provide an adequate opportunity for Employee to discuss his evaluation with the City Council.

B. The City Council and Employee shall periodically define such goals and performance objectives which they determine necessary for the proper operations of the City and in the attainment of the City Council policy objectives, and shall further establish a relative priority among those various goals and objectives. They shall generally be reasonably attainable within the time limitations as specified in the annual operating and capital budgets and appropriations provided.

## SECTION VI

### HOURS OF WORK

It is recognized that Employee must devote a great deal of time outside the normal office hours to business of the City, and to that end, Employee shall be allowed to take administrative time off from work as provided in Section IX of this Agreement.

## SECTION VII

### INSURANCE

During the term of this Agreement, the City shall pay /the full monthly premiums for medical insurance and dental/optical coverage for Employee and his eligible dependents. City shall also pay the monthly premiums for life insurance to cover Employee. Life insurance coverage shall be equal to One Hundred Thousand Dollars (\$100,000.00). As permitted by law, the Employee shall name the beneficiary of the life insurance policy. Except as set forth herein, insurance coverage(s) shall be provided in the same manner as offered to all other employees of the City.

SECTION VIII  
AUTOMOBILE AND PROFESSIONAL DEVELOPMENT

During the term of this Agreement, if employee exclusively uses his personal vehicle for City related business, the City shall pay Employee a \$500.00 per month automobile allowance. The Employee shall be eligible for the monthly automobile allowance only if he possesses a valid California driver's license and maintains all legally required insurance coverage established by the State of California and, on an annual basis, provides proof of his valid license and insurance coverage to the City Clerk.

City shall, subject to budget limitations, budget and pay for professional dues and subscriptions of Employee necessary for his continuation of and full participation in national, regional, state and local associations necessary and desirable for his continued professional participation and growth, which shall be considered a benefit to the City.

SECTION IX  
VACATION, SICK AND OTHER SUPPLEMENTAL BENEFITS

A. Except as modified herein, during the term of this Agreement, the City shall provide Employee with vacation, sick and holiday pay in the same manner as provided to all other City employees.

B. Employee shall accrue vacation at the rate of two days per month, totaling 24 days per year, with a maximum accrual of 60 days. Employee shall accrue sick leave at the rate of one day per month, with a maximum accrual of 120 days. Upon separation from the City, the Employee may cash out all unused vacation and sick leave hours. The cash payment shall be at the Employee's then current rate of pay.

C. During the term of this Agreement, as permitted under law, the City shall pay the City's contributions to membership in the California Public Employees Retirement System ("CalPERS").

D. Employee may elect to participate in a 457 Deferred Compensation Retirement Plan. The City, on an annual basis, shall make a contribution of no less than \$833.33 per month, for a total of \$10,000.00 per year, on Employee's behalf to the Employee's account with the 457 Deferred Compensation Retirement Plan of Employee's choice.

E. City shall provide up to Five Thousand Dollars (\$5,000.00) in reimbursements to Employee associated with relocation costs. Said relocation costs shall only be payable if Employee relocates to the City of Selma. Employee shall provide receipts to receive the reimbursements, subject to approval by the City's Finance Department. In no event shall the reimbursements exceed \$5,000.00.

E. The City shall provide Employee other benefits as mandated by law.

F. On December 8, 2021, Employee shall be eligible for eight days of administrative leave which may be used at Employee's discretion and upon prior written notice to the City Council. Employee's unused administrative leave shall carry forward for one year, but is not eligible for cash payment at any time.

SECTION X  
OUT OF POCKET EXPENSES

The City shall reimburse Employee for reasonable out-of-pocket expenses incurred in connection with the City's business, including travel, food and lodging while away from home, subject to such policies as the City may from time to time establish for its employees. The City also shall provide Employee a monthly mobile telephone allowance of \$125.00 for use of his personal mobile telephone in carrying out his duties as set forth herein and in the Code.

## SECTION. XI

### OTHER TERMS AND CONDITIONS OF EMPLOYMENT

- A. The City Council may from time to time fix other terms and conditions of employment relating to the performance of Employee provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the Code or other applicable law.
- B. The provisions of the Code and any City personnel resolution(s) shall apply to Employee except where the specific provisions conflict with this Agreement, in which event the terms and conditions of this Agreement shall prevail.

## SECTION XII

### CONFIDENTIAL INFORMATION

Employment with the City creates a relationship of confidence and trust between Employee and the City, with respect to all Confidential Information of City. "Confidential Information" includes but is not limited to trade secrets, confidential information, information subject to the attorney-client privilege, client lists, knowledge or data of the City or any of its constituent entities or members that Employee may produce, obtain or otherwise acquire or have access to during the course of Employee's employment with the City, including but not limited to personnel information, passwords, and computer security systems. Employee agrees that during and after Employee's employment with the City, Employee (i) shall keep all Confidential Information confidential and shall not directly or indirectly use, divulge, publish or otherwise disclose or allow to be disclosed any aspect of Confidential Information without prior written consent of the City; and (ii) shall refrain from any action or conduct which might reasonably or foreseeably be expected to compromise the confidentiality or proprietary nature of the Confidential Information. Upon termination of employment for any reason, Employee agrees to return promptly to the City all writings and other tangible things in Employee's possession that contain Confidential Information.

## SECTION XIII

### EMPLOYEE'S WARRANTIES

Employee warrants that, as of the commencement of the employment term, he will be able to immediately begin performance of his duties and that, by entering into this Agreement, he will not be in violation of any other contract or agreement related to his employment, or his eligibility or availability for employment that could subject him or the City to any claims or liability.

## SECTION XIV

### INDEMNIFICATION AND BONDS

- A. The City agrees to defend, hold harmless and indemnify Employee, subject to the provisions and limitations set forth in Government Code Section 825 *et seq.*, against any and all claims, liabilities, expenses or damages of any nature, including reasonable attorney's fees, arising out of or in connection with Employee's performance of the course and scope of this Agreement. The City may decline to defend Employee as permitted in the California Government Code. At its sole discretion, the City may compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered therefrom. The provisions of this Section shall survive the termination of this Agreement.
- B. The City shall bear the full cost of any fidelity or other bonds which may be required in the performance of Employee's services under this Agreement.

## SECTION XV

### GENERAL PROVISIONS

A. This Agreement is the final expression of the complete Agreement of the Parties with respect to the matters specified herein, and supersedes all prior oral or written understandings. Except as prescribed herein, this Agreement cannot be modified except by written mutual agreement signed by the Parties.

B. This Agreement is not assignable by either the City or Employee.

C. In the event that any provision of this Agreement is finally held or determined to be illegal or void by a court having jurisdiction over the Parties, the remainder of the Agreement shall remain in full force and effect unless the parts found to be void are wholly inseparable from the remaining portion of the Agreement.

D. This Agreement may be signed in any one or more counterparts all of which taken together shall be but one and the same Agreement. Any signed copy of this Agreement or of any other document or agreement referred to herein, or copy or counterpart thereof, delivered by facsimile transmission, shall for all purposes be treated as if it were delivered containing an original manual signature of the Party whose signature appears in the facsimile and shall be binding upon such party in the same manner as though an original signed copy had been delivered.

E. The waiver of any breach of a specific provision of this Agreement does not constitute a waiver of any other breach of that term or any other term of this Agreement.

F. Each of the Parties acknowledges that he or it has been represented by independent legal counsel of its own choosing, or if not, has been advised to obtain independent legal counsel and has freely and voluntarily waived and relinquished the right to legal counsel. Further, each Party who has not obtained independent legal counsel acknowledges that the failure to have independent legal counsel will not excuse such Party's failure to perform under this Agreement or any agreement referred to in this Agreement.

G. This Agreement shall be interpreted and construed according to the laws of the State of California, and venue shall be in the County of Fresno.

H. All notices shall be personally delivered or mailed to the addresses listed below:

Fernando Santillan  
A most recent address on file in Employee's personnel file.

Mayor  
City of Selma  
1710 Tucker Street  
Selma, CA 93662

Courtesy copy to:

Mary Lerner, City Attorney  
Lozano Smith  
7404 N. Spalding Ave.  
Fresno, CA93720

IN WITNESS WHEREOF, the Parties hereto have hereunto affixed their signatures as of the date and year first above written.

IN WITNESS WHEREOF, the Parties hereto have hereunto affixed their signatures as of the date and year first above written.

**EMPLOYEE**

  
\_\_\_\_\_  
**Fernando Santillan**

**CITY OF SELMA**

  
\_\_\_\_\_  
**Scott Robertson,**  
**Mayor**

**ATTEST:**

  
\_\_\_\_\_  
**Reyna Rivera, City Clerk**

**APPROVED AS TO FORM**

  
\_\_\_\_\_  
**Mary Lerner, City Attorney**

# EXHIBIT 3

## EMPLOYMENT AGREEMENT

This Employment Agreement (the "Agreement") is made this 6th day of December, 2021, by and between the City of Selma, California, a municipal corporation (hereinafter, the "City") and Fernando Santillan, an individual, (hereinafter, "Employee"). City and Employee are hereinafter collectively referred to as the "Parties" and individually as "Party."

### RECITALS.

The City desires to employ the services of Employee in the capacity of City Manager, and further desires to assure the service of Employee by establishing herein certain salary and limited benefits, and other terms and conditions of her employment.

Employee desires to accept employment as City Manager effective on December 8, 2021.

NOW THEREFORE, in consideration of the mutual covenants, promises, and representations hereinafter set forth, the Parties agree as follows:

### SECTION I DUTIES

- A. The City hereby agrees to employ Employee as City Manager, conferring upon and delegating to Employee the overall responsibility for management and administration of the City as set forth in the City's Municipal Code ("Code") and to perform such other legally permissible and proper duties and functions as the Selma City Council hereinafter ("City Council") may from time-to-time assign.
- B. Employee accepts employment as City Manager and agrees to serve as such. Employee shall serve as an officer of the City pursuant to the authority set forth in applicable State law, and Chapter 18 (City Manager) of Title I (Administrative) of the City's Code. Employee shall be responsible for attending all regular, adjourned regular and special City Council and Successor Agency meetings or other meetings of City agencies and commissions, which are generally held on the first and third Mondays of each month, all City Council agenda meetings, Department Head meetings, Oversight Board meetings, and maintain regularly scheduled office hours at City Hall.
- C. Employee shall perform his duties to the best of his ability in accordance with the highest professional and ethical standards of the profession. He shall comply with and carry out the City's rules and regulations and he shall obey the laws of the State of California and the United States of America as they apply to the performance of his duties.
- D. Employee shall devote his full energies, interest, abilities and productive time to the performance of this Agreement and shall not, without the City's prior written consent, render services of any kind to others for compensation or engage in any other activity which would materially interfere with the performance of his duties under this Agreement.
- E. Employee shall not engage in any activity which is or may become a conflict of interest with his obligations to the City or which might create an incompatibility of office as defined under California law. He shall also complete and file financial disclosure statements immediately upon entry into his employment and annually thereafter pursuant to California law.

## SECTION II

### TERM

The term of this Employment Agreement shall be six (6) years effective on December 8, 2021 and will remain in full force and effect until December 8, 2027, unless otherwise terminated as set forth herein.

Additionally, Employee and City shall have the option of extending this employment agreement for one (1) additional year upon mutual agreement by the Parties, through December 8, 2028. Compensation for the additional optional year shall be negotiated at the time the agreement is extended.

A. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the City Council to terminate the services of Employee at any time, subject only to the provisions set forth in Section IV of this Agreement.

B. The Parties recognize and affirm that: 1) Employee is an "at will" employee whose employment may be terminated by the City without cause; 2) there is no express or implied promise made to Employee for any form of continued employment; and 3) this Agreement is the sole and exclusive basis for an employment relationship between Employee and the City.

C. Employee agrees to remain in the exclusive employ of the City during the term of this Agreement. This Agreement shall not be construed to preclude volunteer work performed by Employee, so long as the provisions set forth in Section I, paragraphs (D) and (E) of this Agreement are not violated.

## SECTION III

### COMPENSATION

A. The City agrees to pay Employee for his services rendered hereunder at the following annual rates subject to an annual performance evaluation in years two and three resulting in an average minimum rating of "satisfactory performance" which sums shall be considered the base salary and shall be payable in installments at the same times as the City's other employees are paid, and subject to customary withholdings:

Year One: December 8, 2021 to December 7, 2022: One Hundred Eighty-Eight Thousand Dollars and Zero Cents (\$188,000.00)

Year Two: December 8, 2022 to December 7, 2023: Two Hundred Twenty Thousand Five Hundred Dollars and Zero Cents (\$220,500.00)

Year Three: December 8, 2023 to December 7, 2024: Two Hundred Seven Thousand Dollars and Zero Cents (\$231,525.00)

Year Four: December 8, 2024 to December 7, 2025: Two Hundred Seven Thousand Dollars and Zero Cents (\$243,101.00)

Year Five: December 8, 2025 to December 7, 2026: Two Hundred Seven Thousand Dollars and Zero Cents (\$255,256.00)

Year Six: December 8, 2026 to December 7, 2027: Two Hundred Seven Thousand Dollars and Zero Cents (\$268,018.00)

Should the City Manager's annual evaluation not occur within 30 days' following the City Manager's Anniversary Date, the increases noted in paragraph A above shall be automatic and not subject to the minimum satisfactory performance review requirement.

#### SECTION IV

#### TERMINATION AND SEVERANCE PAY

A. The City Council may terminate this Agreement, subject to a 4/5 majority vote, for convenience in its absolute discretion upon sixty (60) days written notice to Employee, except the City Council may not terminate this Agreement for convenience as set forth in the then applicable provisions of the City's Code. If Employee is terminated by the City Council for (1) refusing or failing to carry out the duties of the City Manager as set forth in the Government Code, the City's Code, or herein; (2) conviction of a felony; (3) conviction of any illegal act involving moral turpitude or personal gain; or (4) a plea of nolo contendere to any felony or illegal act involving moral turpitude or personal gain, the City shall have no obligation to provide sixty (60) days' advance written notice and the Employee shall not be entitled to severance pay as set forth herein.

B. In the event Employee is terminated by the City Council and Employee is willing and able to perform the duties of City Manager, the City shall pay Employee a lump sum cash payment, or payment in equal installments over an eighteen month (18) period, at the option of Employee, equal to the Employee's then eighteen (18) months' base salary. Such severance, as set forth herein, is contingent upon Employee signing and delivering a general release and waiver of all claims against the City (including and without limitation to its former and current elected officials, employees, officers and agents). Such severance shall be payable immediately upon termination. Any severance amount paid pursuant to this Agreement shall be subject to the restrictions set forth in Government Code Sections 53260 and 53261, or any successor statutory restrictions.

C. In the event Employee voluntarily resigns his position with the City at any time during the term of this Agreement, Employee shall give the City no less than forty-five (45) days' written notice, unless the Parties otherwise agree in writing. Failure of Employee to give the required forty-five (45) days' written notice of resignation will result in a pro-rata reduction in benefits normally payable, if any, to resigning City employees, such as, but not limited to, accrued vacation payment, sick leave payment, and the like. Voluntary resignation by Employee will result in a loss of any and all severance pay to him by the City.

D. Constructive Termination. Substantial interference by the Mayor and City Council, or any member thereof, with the City Manager's ability to perform material requirements of the position including, but not limited to, those requirements, powers and duties set forth in Municipal Code Chapter 18 and in accordance with Section XI below will constitute a constructive termination of the discretion of the City Manager. Upon the occurrence of a potential interference, Employee will provide written notice of the conduct to the Council and City Attorney, should said interference continue following written notice, a constructive termination will be deemed to have occurred. Constructive termination, as defined herein, shall be considered a breach of this agreement and Employee will be entitled to eighteen months (18) severance pay as compensation for said breach. Severance pay in these circumstances shall be based on the salary payable to the employee in Year Six of this agreement (i.e. salary at full contract term).

E. In no event, shall the City Council have the ability to terminate the City Manager without cause within 180 days following seating of a new city council/mayor whether by election or appointment; nor shall the City Council have the ability to terminate the City Manager without cause within 12 months of the expiration date of this agreement.

## SECTION V

### EVALUATION OF PERFORMANCE

A. The City Council shall review and evaluate the performance of Employee at least annually, but not later than the anniversary date of this Agreement, or at other times chosen by the City Council in its sole discretion. Said review and evaluation shall be in accordance with specific criteria developed by the City Council with consultation from Employee. Said criteria may be added to or deleted from as the City Council may from time to time determine, in consultation with Employee. Further, the City Council shall provide Employee with a summary written statement of the findings of the City Council and provide an adequate opportunity for Employee to discuss his evaluation with the City Council.

B. The City Council and Employee shall periodically define such goals and performance objectives which they determine necessary for the proper operations of the City and in the attainment of the City Council policy objectives, and shall further establish a relative priority among those various goals and objectives. They shall generally be reasonably attainable within the time limitations as specified in the annual operating and capital budgets and appropriations provided.

## SECTION VI

### HOURS OF WORK

It is recognized that Employee must devote a great deal of time outside the normal office hours to business of the City, and to that end, Employee shall be allowed to take administrative time off from work as provided in Section IX of this Agreement.

## SECTION VII INSURANCE

During the term of this Agreement, the City shall pay /the full monthly premiums for medical insurance and dental/optical coverage for Employee and his eligible dependents. City shall also pay the monthly premiums for life insurance to cover Employee. Life insurance coverage shall be equal to One Hundred Thousand Dollars (\$100,000.00). As permitted by law, the Employee shall name the beneficiary of the life insurance policy. Except as set forth herein, insurance coverage(s) shall be provided in the same manner as offered to all other employees of the City.

## SECTION VIII AUTOMOBILE AND PROFESSIONAL DEVELOPMENT

During the term of this Agreement, if employee exclusively uses his personal vehicle for City related business, the City shall pay Employee a \$500.00 per month automobile allowance. The Employee shall be eligible for the monthly automobile allowance only if he possesses a valid California driver's license and maintains all legally required insurance coverage established by the State of California and, on an annual basis, provides proof of his valid license and insurance coverage to the City Clerk.

City shall, subject to budget limitations, budget and pay for professional dues and subscriptions of Employee necessary for his continuation of and full participation in national, regional, state and local associations necessary and desirable for his continued professional participation and growth, which shall be considered a benefit to the City.

## SECTION IX

### VACATION, SICK AND OTHER SUPPLEMENTAL BENEFITS

- A. Except as modified herein, during the term of this Agreement, the City shall provide Employee with vacation, sick and holiday pay in the same manner as provided to all other City employees.
- B. Employee shall accrue vacation at the rate of two days per month, totaling 24 days per year, with a maximum accrual of 60 days. Employee shall accrue sick leave at the rate of one day per month, with a maximum accrual of 120 days. Upon separation from the City, the Employee may cash out all unused vacation and sick leave hours. The cash payment shall be at the Employee's then current rate of pay.
- C. During the term of this Agreement, as permitted under law, the City shall pay the City's contributions to membership in the California Public Employees Retirement System ("CalPERS").
- D. Employee may elect to participate in a 457 Deferred Compensation Retirement Plan. The City, on an annual basis, shall make a contribution of no less than \$833.33 per month, for a total of \$10,000.00 per year, on Employee's behalf to the Employee's account with the 457 Deferred Compensation Retirement Plan of Employee's choice.
- E. City shall provide up to Five Thousand Dollars (\$5,000.00) in reimbursements to Employee associated with relocation costs. Said relocation costs shall only be payable if Employee relocates to the City of Selma. Employee shall provide receipts to receive the reimbursements, subject to approval by the City's Finance Department. In no event shall the reimbursements exceed \$5,000.00.
- E. The City shall provide Employee other benefits as mandated by law.
- F. On December 8, 2021, Employee shall be eligible for 12 days (96 hours) of administrative leave which may be used at Employee's discretion and upon prior written notice to the City Council. Employee's unused administrative leave shall carry forward for one year, but is not eligible for cash payment at any time.

## SECTION X

### OUT OF POCKET EXPENSES

The City shall reimburse Employee for reasonable out-of-pocket expenses incurred in connection with the City's business, including travel, food and lodging while away from home, subject to such policies as the City may from time to time establish for its employees. The City also shall provide Employee a monthly mobile telephone allowance of \$125.00 for use of his personal mobile telephone in carrying out his duties as set forth herein and in the Code.

## SECTION XI

### OTHER TERMS AND CONDITIONS OF EMPLOYMENT

- A. The Mayor and City Council shall not interfere with the daily operations and personnel management and/or actions of the City Manager. The Mayor and City Council shall not make any attempt to gain confidential personnel information on any current, former, or prospective employee/applicant by any means including, but not limited to, by contacting current employees under the supervision of the City Manager.
- B. The City Council and its members shall deal with the administrative services of the city only through Employee, except for the purpose of inquiry. Inquiry shall be limited to non-confidential public information

which would normally be disclosed to any member of the public during the normal course of City business. In no event shall inquiries be made in violation of subsection (A) of this Section XI.

C. Any discussion of the city manager's performance shall only occur in closed session in a properly noticed Council meeting.

D. Consistent with applicable law, City Council shall refrain from subjecting the City Manager to a hostile work environment and/or harassing behavior, including by members of the public or any agent, relative, or representative of a member of the City Council.

E. The City Council may from time to time fix other terms and conditions of employment relating to the performance of Employee provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the Municipal Code or other applicable law.

F. Employee shall receive direction from the City Council only during convened meetings of the Council and upon a consensus or majority vote, as applicable. No individual council member shall give any orders or instructions to the City Manager.

G. The provisions of the Code and any City personnel resolution(s) shall apply to Employee except where the specific provisions conflict with this Agreement, in which event the terms and conditions of this Agreement shall prevail.

## SECTION XII

### CONFIDENTIAL INFORMATION

Employment with the City creates a relationship of confidence and trust between Employee and the City, with respect to all Confidential Information of City. "Confidential Information" includes but is not limited to trade secrets, confidential information, information subject to the attorney-client privilege, client lists, knowledge or data of the City or any of its constituent entities or members that Employee may produce, obtain or otherwise acquire or have access to during the course of Employee's employment with the City, including but not limited to personnel information, passwords, and computer security systems. Employee agrees that during and after Employee's employment with the City, Employee (i) shall keep all Confidential Information confidential and shall not directly or indirectly use, divulge, publish or otherwise disclose or allow to be disclosed any aspect of Confidential Information without prior written consent of the City; and (ii) shall refrain from any action or conduct which might reasonably or foreseeably be expected to compromise the confidentiality or proprietary nature of the Confidential Information. Upon termination of employment for any reason, Employee agrees to return promptly to the City all writings and other tangible things in Employee's possession that contain Confidential Information.

## SECTION XIII

### EMPLOYEE'S WARRANTIES

Employee warrants that, as of the commencement of the employment term, he will be able to immediately begin performance of his duties and that, by entering into this Agreement, he will not be in violation of any other contract or agreement related to his employment, or his eligibility or availability for employment that could subject him or the City to any claims or liability.

## SECTION XIV

### INDEMNIFICATION AND BONDS

A. The City agrees to defend, hold harmless and indemnify Employee, subject to the provisions and limitations set forth in Government Code Section 825 *et seq.*, against any and all claims, liabilities, expenses or damages of any nature, including reasonable attorney's fees, arising out of or in connection with Employee's performance of the course and scope of this Agreement. The City may decline to defend Employee as permitted in the California Government Code. At its sole discretion, the City may compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered therefrom. The provisions of this Section shall survive the termination of this Agreement.

B. The City shall bear the full cost of any fidelity or other bonds which may be required in the performance of Employee's services under this Agreement.

## SECTION XV

### GENERAL PROVISIONS

A. This Agreement is the final expression of the complete Agreement of the Parties with respect to the matters specified herein, and supersedes all prior oral or written understandings. Except as prescribed herein, this Agreement cannot be modified except by written mutual agreement signed by the Parties.

B. This Agreement is not assignable by either the City or Employee.

C. In the event that any provision of this Agreement is finally held or determined to be illegal or void by a court having jurisdiction over the Parties, the remainder of the Agreement shall remain in full force and effect unless the parts found to be void are wholly inseparable from the remaining portion of the Agreement.

D. This Agreement may be signed in any one or more counterparts all of which taken together shall be but one and the same Agreement. Any signed copy of this Agreement or of any other document or agreement referred to herein, or copy or counterpart thereof, delivered by facsimile transmission, shall for all purposes be treated as if it were delivered containing an original manual signature of the Party whose signature appears in the facsimile and shall be binding upon such party in the same manner as though an original signed copy had been delivered.

E. The waiver of any breach of a specific provision of this Agreement does not constitute a waiver of any other breach of that term or any other term of this Agreement.

F. Each of the Parties acknowledges that he or it has been represented by independent legal counsel of its own choosing, or if not, has been advised to obtain independent legal counsel and has freely and voluntarily waived and relinquished the right to legal counsel. Further, each Party who has not obtained independent legal counsel acknowledges that the failure to have independent legal counsel will not excuse such Party's failure to perform under this Agreement or any agreement referred to in this Agreement.

G. This Agreement shall be interpreted and construed according to the laws of the State of California, and venue shall be in the County of Fresno.

H. All notices shall be personally delivered or mailed to the addresses listed below:

Fernando Santillan  
A most recent address on file in Employee's personnel file.

Selma City Council  
City of Selma  
1710 Tucker Street  
Selma, CA 93662

Courtesy copy to:


Megan Dodd, City Attorney  
Griswold, LaSalle, Cobb, Dowd & Gin LLP  
111 E 7th St,  
Hanford, CA 93230

IN WITNESS WHEREOF, the Parties hereto have hereunto affixed their signatures as of the date and year first above written.

**EMPLOYEE**

**CITY OF SELMA**

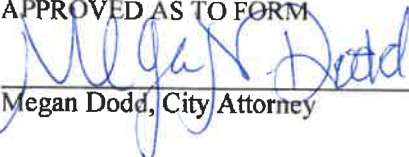
  
\_\_\_\_\_  
Fernando Santillan

  
\_\_\_\_\_  
Beverly Cho,  
Mayor Pro Tem

**ATTEST:**

  
\_\_\_\_\_  
Reyna Rivera City Clerk

**APPROVED AS TO FORM**

  
\_\_\_\_\_  
Megan Dodd, City Attorney

Courtesy copy to:


Megan Dodd, City Attorney  
Griswold, LaSalle, Cobb, Dowd & Gin LLP  
111 E 7th St,  
Hanford, CA 93230

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\_\_\_\_\_  
Fernando Santillan

  
\_\_\_\_\_  
Beverly Cho,  
Mayor Pro Tem

**ATTEST:**

  
\_\_\_\_\_  
Reyna Rivera City Clerk

APPROVED AS TO FORM

\_\_\_\_\_  
Megan Dodd, City Attorney

# EXHIBIT 4

**CITY OF SELMA  
DISCRIMINATION AND SEXUAL HARASSMENT POLICY  
AND COMPLAINT PROCEDURE**

**AMENDED MARCH, 2001**

The City of Selma is committed to providing a work environment that is free of discrimination. In keeping with this commitment, the City of Selma maintains a strict policy prohibiting unlawful discrimination, including sexual harassment. This policy prohibits discrimination and harassment in any form, including verbal, physical and visual.

This policy is specifically written to ensure compliance with the general provisions of the Fair Employment and Housing Act, specifically Government Code Section 12940. It applies to all employees, supervisors and managers, official representatives, persons providing volunteer services, and those who have or who are entering into a business relationship with the City (including individuals providing services pursuant to a contract).

**DISCRIMINATION:**

No person, as listed above, shall discriminate, or be discriminated against, on the basis of race, religious creed, color, national origin, ancestry, sex, age, marital status, sexual orientation, physical disability, mental disability or medical condition (unless, because of his or her physical or mental disability, or medical condition, is unable to perform his or her essential duties even with reasonable accommodations, or cannot perform those duties in a manner that would not endanger his or her health or safety or the health or safety of others even with reasonable accommodations).

**SEXUAL HARASSMENT:**

Sexual harassment is a form of discrimination. It includes many forms of offensive behavior, which include, but are not limited to, the following:

- 1) Unwelcome sexual advances or propositions.
- 2) Offering employment benefits in exchange for sexual favors.
- 3) Making or threatening reprisals after a negative response to sexual advances.
- 4) Visual conduct: leering, making sexual gestures, displaying sexually suggestive objects or pictures, cartoons, posters or pamphlets, suggestive or obscene letters, notes, or invitations.
- 5) Verbal conduct: making or using derogatory comments, epithets, slurs and jokes.
- 6) Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body or sexually degrading words used to describe an individual.
- 7) Physical conduct: touching, assaulting, impeding or blocking movement.
- 8) E-mail conduct: creating, downloading or sending messages, files or images which are intimidating, hostile and/or offensive.

## **COMPLAINT PROCEDURES:**

The City of Selma will make every effort to thoroughly investigate any and all complaints of discrimination and sexual harassment. If employees or volunteers believe that they have been subjected to discrimination or sexual harassment by a co-worker, other volunteer, supervisor, manager or other agent of the City, they should follow these procedures if seeking remedy through City channels:

- 1) Employees or volunteers alleging a violation of this policy should discuss the problem with either the offending party or the immediate supervisor in an effort to reach a rapid solution. Often the problem may simply be a misunderstanding or lack of communication. An employee/volunteer may be unaware of the fact that his or her behavior is perceived by others to be discriminatory or harassing. An informal discussion will resolve the problem in many instances. If the offending party is the immediate supervisor, employees/volunteers should present the complaint to the next level of supervision.
- 2) Employees or volunteers who are considering filing formal complaints should submit a written statement that documents all issues relating to the complaint, including:
  - a) Dates and times the alleged harassment occurred.
  - b) Situations where the alleged harassment occurred.
  - c) Names of the parties involved.
  - d) Names of any witnesses to the allegation.
  - e) Exact details surrounding the nature and context of the alleged violation. An integral aspect of the statement should be the employee or volunteer's determination of the nature of the problem.
  - f) Recommendations for a solution.
- 3) Supervisors are to respond within 24 hours to investigate alleged discrimination or sexual harassment. Steps must be taken to stop any further violation and to prevent any negative effects of the violation. In addition, all aspects of the complaint and investigation shall remain as confidential as possible. The required immediate action will consist of the following procedures:
  - a) Complainants will be fully informed of their rights.
  - b) The investigation will be immediate, thorough, objective and complete. All those with information on the matter should be interviewed. A determination should be made and the results communicated to the complainant, to the alleged violator, and, as appropriate, to all others directly concerned.
  - c) If proven, there will be prompt and effective remedial action. First, appropriate action should be taken against the violator and communicated to the complainant. Second, steps will be taken to prevent any further violation. Third, appropriate action shall be taken to remedy the complainant's loss, if any.
  - d) The Administrative Services Manager and/or City Manager shall immediately be informed of the complaint, the progress of the investigation, and the proposed resolution of the allegation.
- 4) Complaints not resolved by the above process shall be presented to the City Manager, as Personnel Officer, for investigation and resolution. The City Manager shall proceed to immediately investigate the allegations, determine the facts and take appropriate action.

As an alternative, employees/volunteers may select any management employee in City service or one of their employee association representatives to present the complaint to the City Manager for investigation on their behalf.

- 5) If the complaint is directed against the City Manager or involves circumstances which the City Manager considers could conflict with an impartial analysis, the allegation will be referred to the City Attorney who shall recommend to the City Manager the process in lieu of use of the City Manager as herein provided.

Another option for reporting incidents of wrongdoing is the EMPLOYEE PROTECTION LINE. This "hotline" allows employees or volunteers to report wrongdoing without identifying themselves in any way. An employee or volunteer may use the toll-free Employee Protection Line 24 hours a day, seven days a week. When leaving a message on the Employee Protection Line, the employee should provide enough information so that appropriate action can be taken, including all items listed under Complaint Procedures, No. 2 (above). An employee or volunteer making an anonymous report to the Employee Protection Line must be aware that the City may not be able to perform each step as outlined in Complaint Procedures, No. 3 (above) without knowing the source of the complaint. Any Employee Protection Line report will be kept as confidential as possible and will be treated with the seriousness it deserves. The telephone number of the Employee Protection Line is provided to each employee during initial orientation, training sessions, and shall continue to be posted on the bulletin board in each department.

Employees/volunteers who believe that they have been discriminated and/or sexually harassed may, within one year of alleged violation, file a complaint of discrimination with the California Department of Fair Employment and Housing. The Department serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If the Department finds evidence of discrimination/harassment and settlement efforts fail, the Department may file a formal accusation against the employer and the alleged violator. The accusation will lead to either a public hearing before the Fair Employment and Housing Commission or a lawsuit filed on the complainant's behalf by the Department. The address of the nearest office of The Department of Fair Employment and Housing is at 1320 E. Shaw Avenue, Suite 150, Fresno, CA 93710. The telephone number is (800) 884-1684.

#### **CONCLUSION:**

The City of Selma must protect its employees/volunteers from all forms of discrimination and harassment. Employees/volunteers or other agents of this City may be subject to disciplinary action if it is determined that they have:

- 1) Harassed another employee/volunteer, either on or off duty.
- 2) Retaliated against a complaining employee/volunteer.
- 3) Submitted a capricious or malicious complaint.


City of Selma employees, volunteers, Councilmembers and other agents of this City shall receive a copy of this policy. It shall be posted at all work locations and shall remain posted until revisions of pertinent laws necessitate its replacement.

Literature regarding this subject is available for review in the City of Selma Administrative Services Department, 1710 Tucker Street, Selma, CA 93662.

# EXHIBIT 5

## ADMINISTRATIVE POLICY 2003-02

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TO: All City Employees  
FROM: D-B Heusser, City Manager   
DATE: March 25, 2003  
SUBJECT: **WORKPLACE VIOLENCE POLICY AND PROCEDURES**

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### **PURPOSE**

The purpose of this policy is to promote and provide a safe working environment for all employees of the City of Selma. The success of this policy and the safety of all City staff members will require the cooperation of every employee.

### **POLICY**

The City of Selma is committed to providing a work environment that is free from violence, threats of violence, harassment, intimidation or other disruptive behavior.

Workplace violence, threats of violence, harassment, intimidation or other disruptive behavior will not be tolerated. Examples of such behavior include verbal or written statements, gestures and/or expressions that communicate a direct or indirect threat of physical harm or abuse.

Employees who commit such acts may be removed from the premises and may be subject to disciplinary action that may include written reprimand, suspension and/or termination. They may also be subject to criminal prosecution and penalties.

Individuals who enter city property (buildings or grounds) and who commit acts as described above, or any person that an employee believes to be a threat, will be directed to leave the premises. If the person refuses to leave, the Selma Police Department should be called to assist with the situation. If the incident does not warrant the assistance of the police, the supervisor or department head will still report the incident to the Police Department for follow up.

### **PROCEDURES**

**Any threat or violence that requires immediate attention must be reported to the Selma Police Department by calling 9-1-1.**

(continued)

Do not ignore violent, threatening, harassing, intimidating or other disruptive behavior. Such action must be reported regardless of whether that employee is the recipient of such behavior or just an observer. Furthermore, it must be reported if the act occurs on city premises or during a city activity, regardless of whether it is by a city employee or any other individual.

If immediate police presence is not necessary, it is advisable and preferable that the employee report the behavior to their supervisor or department head as soon as it happens. Information should include:

- a) date(s) and time(s) the alleged behavior occurred
- b) names of the parties involved
- c) names of any witnesses to the allegation
- d) details surrounding the nature and context of the alleged violation.

If an employee, however, is reluctant to make a direct report to a supervisor or department head, another option is available - the EMPLOYEE PROTECTION LINE. This "hotline" allows employees to report wrongdoing without identifying themselves. The toll-free Employee Protection Line may be called 24 hours a day, seven days a week. In the event of a serious and immediate threat, the administrators of the Employee Protection Line are directed to call the Selma Police Department at any time, day or night. An employee making an anonymous report to the Employee Protection Line should provide as much information as possible, as listed above, to allow appropriate action to be taken. The telephone number of the Employee Protection Line is 1-(800)-576-5262. The caller will also need to provide the "Organization Code" number, which is 10098.

Specific Responsibilities of Supervisors and Department Heads:

Upon receipt of a report of a threat, an act of violence, harassment, intimidation or any disruptive behavior, a supervisor or department head should seek immediate advice and direction from Administrative Services Manager Lois Hull or the City Manager.

In addition, Department Heads shall report all incidents and reports of violence, threats of violence, harassment, intimidation or disruptive behavior to the Administrative Services Manager in a timely manner. All reports will be taken seriously, investigated as necessary, and acted upon appropriately.

For further information, please contact the Administrative Services Manager at Selma City Hall, 896-1064. For reporting incidents after-hours, the Administrative Services Manager might be reached at home or cellular phone. These numbers are included in the After Hours Call List.

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The City Manager and the Administrative Services Manager will monitor the use and implementation of this policy and review its effectiveness on a regular basis.

# EXHIBIT 6



Megan Dodd &lt;dodd@griswoldlasalle.com&gt;

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**\*\*\*CONFIDENTIAL\*\*\*RE: 12/16/22 CLOSED SESSION**

1 message

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**Fernando Santillan** <FernandoS@cityofselma.com>

Tue, Jan 24, 2023 at 10:39 PM

To: City Council &lt;CityCouncil@cityofselma.com&gt;

Cc: David Yanez &lt;dyanez@mkjw.com&gt;, "dodd@griswoldlasalle.com" &lt;dodd@griswoldlasalle.com&gt;, "Mario U. Zamora" &lt;zamora@griswoldlasalle.com&gt;

Members of the Selma City Council,

This email is to memorialize the discussion during the Closed Session of the December 16, 2022 Special City Council Meeting, specifically, during my Performance Evaluation.

During my performance evaluation, Mayor Scott Robertson stated his desire that I stop threatening to sue every time he says anything critical against me - a statement which is false and retaliatory. Mayor Robertson's comment was in reference to a complaint I submitted in Closed Session on April 18, 2022 in which I indicated I was considering taking legal action for failure to protect me from discrimination. He also falsely stated that I accused him of coordinating comments against me after I had terminated former Public Works Director Shane Ferrell earlier this year. I've attached the statement I made in Closed Session during the April 18, 2022 meeting, during which I alluded to "what appears to be a coordinated campaign to raise an issue" – which clearly did not accuse him or any specific person for coordinating any such campaign, though it is clear that is how he understood it.

As the Council is aware, the complaint I submitted to the Council on 4/18/22 was then followed by a statement by Mayor Robertson on August 1, 2022 in Closed Session in which he threatened to sue me, a City employee, for "slander" and also threatened to inform neighboring agencies about my supposed inability to receive criticism. This was a blatant attempt at intimidation and clear retaliation for exercising my legal rights as an employee of the City. Present during that meeting were all Council Members and an attorney from Lozano Smith who were witnesses to this incident.

In a further effort to retaliate and intimidate, Mayor Robertson improperly used my complaint as a basis for the evaluation of my performance. It is important to note that Mayor Robertson is the only councilmember who voted against a "satisfactory" performance rating for me in my capacity as City Manager, and he attempted to have a vote on the termination of my contract during the same performance evaluation.

Please be aware that I do plan to take further action to protect my rights as a City employee in light of Mayor Robertson's continued retaliation and attempts at intimidation.

Thank you,

Fernando

Fernando Santillan, AICP

City Manager

City of Selma

Office: (559) 891-2200 ext. 2250

Cell: (559) 365-5573

[fernandos@cityofselma.com](mailto:fernandos@cityofselma.com)



**Closed Session Statement - April 18, 2022.pdf**

57K

# EXHIBIT 7

**1-18-6: INTERNAL RELATIONS:**

(A) Council Manager Relations: The city council and its members shall deal with the administrative services of the city only through the city manager, except for the purpose of inquiry, and neither the city council nor any member thereof shall give orders or instructions to any subordinates of the city manager. The city manager shall take his orders and instructions from the city council only when sitting in a duly convened meeting of the city council and no individual council member shall give any orders or instructions to the city manager.

(B) Departmental Cooperation: It shall be the duty of all subordinate officers and employees of the city, including those appointed by the mayor or city council, the city clerk, and city attorney to assist the city manager in administering the affairs of the city efficiently, economically and harmoniously.

(C) Attendance At Commission Meetings: The city manager may attend any and all meetings of the economic development commission, planning commission, personnel commission, community services commission, traffic/streets commission and any other commissions, boards or committees created by the city council, upon his own volition or upon direction of the city council. At such meetings which the city manager attends, he shall be heard by such commissions, boards and committees as to all matters upon which he wishes to address the members thereof and he shall inform said members as to the status of any matter going considered by the city council, and he shall cooperate to the fullest extent with the members of all commissions, boards and committees appointed by the city council. The city manager shall designate and assign staff to support the commissions, boards and committees appointed by the city council. (Ord. 928, 4-16-1990; amd. Ord. 2014-4, 4-21-2014)

# EXHIBIT 8

**From:** [Fernando Santillan](#)  
**Cc:** [Megan Dodd](#)  
**Subject:** Request to Reschedule 2/6 Council Meeting  
**Date:** Thursday, February 2, 2023 4:20:35 PM  
**Attachments:** [image001.jpg](#)  
**Importance:** High

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Good afternoon City Council members,

I received two requests in the last half hour to cancel the regular City Council meeting on Monday and reschedule for another day, due to a conflict with a vigil prayer service being held at St. Joseph's Church at 6:30 pm on the same day.

Canceling the meeting at this point would create significant difficulties and conflicts for staff, as a public hearing notice has been issued for 2/6 and the item under consideration includes a time-constraint with Caltrans (with regard to the purchasing policy). There are also other time-sensitive items on the agenda and items which must be discussed at a Regular meeting, rather than a Special meeting.

Additionally, there are staff constraints due to time off being given for grieving as a result of this week's events. City Hall will be closed tomorrow, with some staff taking Monday or Tuesday off due to schedule conflicts and other critical responsibilities today.

Additionally, I discussed the possibility of rescheduling with City Attorney Dodd and it appears that if Council wished to be able to attend the vigil, Council would still have to convene on Monday and then re-adjourn on a different day, though it would not be able to happen until 72 hours later, which creates additional scheduling difficulties.

We are preparing to send out the agenda packet shortly so that the staff remaining at City Hall can go home for the evening and take tomorrow off.

Thank you for your understanding, and I look forward to seeing those of you attending tonight's vigil at Lincoln Park.

Sincerely,  
Fernando

Fernando Santillan, AICP  
City Manager  
City of Selma  
Office: (559) 891-2200 ext. 2250  
Cell: (559) 365-5573  
[fernandos@cityofselma.com](mailto:fernandos@cityofselma.com)

# EXHIBIT 9

**From:** [Fernando Santillan](#)  
**To:** [john1198@sbcglobal.net](mailto:john1198@sbcglobal.net)  
**Subject:** FW: CM Performance Evaluation  
**Date:** Monday, December 5, 2022 3:29:22 PM  
**Attachments:** [image001.jpg](#)  
[Selma City Manager Performance Evaluation 2022.pdf](#)

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**From:** Fernando Santillan  
**Sent:** Sunday, December 4, 2022 5:13 PM  
**To:** Scott Robertson <[ScottR@cityofselma.com](mailto:ScottR@cityofselma.com)>; Beverly Cho <[BeverlyC@cityofselma.com](mailto:BeverlyC@cityofselma.com)>; Sarah Guerra <[SarahG@cityofselma.com](mailto:SarahG@cityofselma.com)>; John Trujillo <[JohnT@cityofselma.com](mailto:JohnT@cityofselma.com)>; Blanca Mendoza-Navarro <[BlancaN@cityofselma.com](mailto:BlancaN@cityofselma.com)>  
**Cc:** David <[juan.david.yanez@gmail.com](mailto:juan.david.yanez@gmail.com)>; 'dyanez@mkjw.com' <[dyanez@mkjw.com](mailto:dyanez@mkjw.com)>  
**Subject:** RE: CM Performance Evaluation

Good evening Mayor and Councilmembers,

Attached is a Performance Evaluation form/questionnaire which I am providing to help guide the discussion during tomorrow's Closed Session meeting regarding my Performance Evaluation.

The Evaluation form is derived from the International City/County Management Association (ICMA) best practices template and is expected to conform to legal requirements, though I have cc'd the City Attorney for his review.

If you have any questions before the meeting, please feel free to let me know.

Thank you,  
Fernando

Fernando Santillan, AICP  
City Manager  
City of Selma  
Office: (559) 891-2200 ext. 2250  
Cell: (559) 365-5573  
[fernandos@cityofselma.com](mailto:fernandos@cityofselma.com)



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**From:** Fernando Santillan  
**Sent:** Thursday, December 1, 2022 9:13 AM

**To:** Scott Robertson <[ScottR@cityofselma.com](mailto:ScottR@cityofselma.com)>; Beverly Cho <[BeverlyC@cityofselma.com](mailto:BeverlyC@cityofselma.com)>; Sarah Guerra <[SarahG@cityofselma.com](mailto:SarahG@cityofselma.com)>; John Trujillo <[JohnT@cityofselma.com](mailto:JohnT@cityofselma.com)>; Blanca Mendoza-Navarro <[BlancaN@cityofselma.com](mailto:BlancaN@cityofselma.com)>  
**Cc:** David <[juan.david.yanez@gmail.com](mailto:juan.david.yanez@gmail.com)>; 'dyanez@mkjw.com' <[dyanez@mkjw.com](mailto:dyanez@mkjw.com)>  
**Subject:** CM Performance Evaluation

Good afternoon Mayor and Councilmembers,

As my Employment Agreement with the City of Selma stipulates, the Council can develop specific criteria for my performance evaluation, with consultation from me (the Employee).

If you have any guidance or feedback on how you would like to conduct my evaluation, please let me know at your earliest convenience. I have provided the language from my Agreement below for reference.

**Excerpt from Agreement:**

SECTION V  
EVALUATION OF PERFORMANCE

The City Council shall review and evaluate the performance of Employee at least annually, but not later than the anniversary date of this Agreement, or at other times chosen by the City Council in its sole discretion. Said review and evaluation shall be in accordance with specific criteria developed by the City Council with consultation from Employee. Said criteria may be added to or deleted from as the City Council may from time to time determine, in consultation with Employee. Further, the City Council shall provide Employee with a summary written statement of the findings of the City Council and provide an adequate opportunity for Employee to discuss his evaluation with the City Council.

Thank you in advance.

Fernando Santillan, AICP  
City Manager  
City of Selma  
Office: (559) 891-2200 ext. 2250  
Cell: (559) 365-5573  
[fernandos@cityofselma.com](mailto:fernandos@cityofselma.com)

Performance Evaluation for:  
Fernando Santillan, City Manager

City of Selma

Evaluation period: December 8, 2021 to December 7, 2022

Each member of the City Council should complete this evaluation form and sign it in the space below.

Evaluations will be discussed during the Closed Session of the Special Meeting of the Selma City Council on Monday, December 5, 2022

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City Council Member's Signature

## INSTRUCTIONS

This evaluation form contains nine categories of evaluation criteria. Each category contains a statement to describe a behavior standard in that category. For each statement, use the following scale to indicate your rating of the city manager's performance.

- 5 = Excellent** (almost always exceeds the performance standard)
- 4 = Above average** (generally exceeds the performance standard)
- 3 = Average** (generally meets the performance standard)
- 2 = Below average** (usually does not meet the performance standard)
- 1 = Poor** (rarely meets the performance standard)

Any item left blank will be interpreted as a score of "3 = Average"

This evaluation form also contains a provision for entering narrative comments, including an opportunity to enter responses to specific questions and an opportunity to list any comments you believe appropriate and pertinent to the rating period. Please write legibly.

Leave all pages of this evaluation form attached. Please initial each page and sign and date the cover page. On the date space of the cover page, enter the date the evaluation form was submitted. All evaluations will be summarized into a performance evaluation to be presented by the City Council to the City Manager as part of the agenda for Special Meeting Closed Session on Monday, December 5, 2022.

## PERFORMANCE CATEGORY SCORING

### 1. INDIVIDUAL CHARACTERISTICS

\_\_\_\_\_ Diligent and thorough in the discharge of duties, "self-starter"

\_\_\_\_\_ Exercises good judgment

\_\_\_\_\_ Displays enthusiasm, cooperation, and will to adapt

\_\_\_\_\_ Mental and physical stamina appropriate for the position

\_\_\_\_\_ Exhibits composure, appearance and attitude appropriate for executive position

Add the values from above and enter the subtotal \_\_\_\_\_ ÷ 5 = \_\_\_\_\_ score for this category

**2. PROFESSIONAL SKILLS AND STATUS**

- \_\_\_\_\_ Maintains knowledge of current developments affecting the practice of local government management
- \_\_\_\_\_ Demonstrates a capacity for innovation and creativity
- \_\_\_\_\_ Anticipates and analyzes problems to develop effective approaches for solving them
- \_\_\_\_\_ Willing to try new ideas proposed by governing body members and/or staff
- \_\_\_\_\_ Sets a professional example by handling affairs of the public office in a fair and impartial manner

Add the values from above and enter the subtotal \_\_\_\_\_ ÷ 5 = \_\_\_\_\_ score for this category

**3. RELATIONS WITH ELECTED MEMBERS OF THE GOVERNING BODY**

- \_\_\_\_\_ Carries out directives of the body as a whole as opposed to those of any one member or minority group
- \_\_\_\_\_ Sets meeting agendas that reflect the guidance of the governing body and avoids unnecessary involvement in administrative actions
- \_\_\_\_\_ Disseminates complete and accurate information equally to all members in a timely manner
- \_\_\_\_\_ Assists by facilitating decision making without usurping authority
- \_\_\_\_\_ Responds well to requests, advice, and constructive criticism

Add the values from above and enter the subtotal \_\_\_\_\_ ÷ 5 = \_\_\_\_\_ score for this category

**4. POLICY EXECUTION**

- \_\_\_\_\_ Implements governing body actions in accordance with the intent of council
- \_\_\_\_\_ Supports the actions of the governing body after a decision has been reached, both inside and outside the organization
- \_\_\_\_\_ Understands, supports, and enforces local government's laws, policies, and ordinances
- \_\_\_\_\_ Reviews ordinance and policy procedures periodically to suggest improvements to their effectiveness
- \_\_\_\_\_ Offers workable alternatives to the governing body for changes in law or policy when an existing policy or ordinance is no longer practical

Add the values from above and enter the subtotal \_\_\_\_\_ ÷ 5 = \_\_\_\_\_ score for this category

**5. REPORTING**

\_\_\_\_\_ Provides regular information and reports to the governing body concerning matters of importance to the local government, using the city charter as guide

\_\_\_\_\_ Responds in a timely manner to requests from the governing body for special reports

\_\_\_\_\_ Takes the initiative to provide information, advice, and recommendations to the governing body on matters that are non-routine and not administrative in nature

\_\_\_\_\_ Reports produced by the manager are accurate, comprehensive, concise and written to their intended audience

\_\_\_\_\_ Produces and handles reports in a way to convey the message that affairs of the organization are open to public scrutiny

Add the values from above and enter the subtotal \_\_\_\_\_ ÷ 5 = \_\_\_\_\_ score for this category

**6. CITIZEN RELATIONS**

\_\_\_\_\_ Responsive to requests from citizens

\_\_\_\_\_ Demonstrates a dedication to service to the community and its citizens

\_\_\_\_\_ Maintains a nonpartisan approach in dealing with the news media

\_\_\_\_\_ Meets with and listens to members of the community to discuss their concerns and strives to understand their interests

\_\_\_\_\_ Gives an appropriate effort to maintain citizen satisfaction with city services

Add the values from above and enter the subtotal \_\_\_\_\_ ÷ 5 = \_\_\_\_\_ score for this category

**7. STAFFING**

\_\_\_\_\_ Recruits and retains competent personnel for staff positions

\_\_\_\_\_ Applies an appropriate level of supervision to improve any areas of substandard performance

\_\_\_\_\_ Stays accurately informed and appropriately concerned about employee relations

\_\_\_\_\_ Professionally manages the compensation and benefits plan

\_\_\_\_\_ Promotes training and development opportunities for employees at all levels of the organization

Add the values from above and enter the subtotal \_\_\_\_\_ ÷ 5 = \_\_\_\_\_ score for this category

**8. FISCAL MANAGEMENT**

- \_\_\_\_\_ Prepares a balanced budget to provide services at a level directed by council
- \_\_\_\_\_ Makes the best possible use of available funds, conscious of the need to operate the local government efficiently and effectively
- \_\_\_\_\_ Prepares a budget and budgetary recommendations in an intelligent and accessible format
- \_\_\_\_\_ Ensures actions and decisions reflect an appropriate level of responsibility for financial planning and accountability
- \_\_\_\_\_ Appropriately monitors and manages fiscal activities of the organization

Add the values from above and enter the subtotal \_\_\_\_\_ ÷ 5 = \_\_\_\_\_ score for this category

**9. COMMUNITY**

- \_\_\_\_\_ Shares responsibility for addressing the difficult issues facing the city
- \_\_\_\_\_ Avoids unnecessary controversy
- \_\_\_\_\_ Cooperates with neighboring communities and the county
- \_\_\_\_\_ Helps the council address future needs and develop adequate plans to address long term trends
- \_\_\_\_\_ Cooperates with other regional, state and federal government agencies

Add the values from above and enter the subtotal \_\_\_\_\_ ÷ 5 = \_\_\_\_\_ score for this category

## NARRATIVE EVALUATION

What would you identify as the manager's strength(s), expressed in terms of the principle results achieved during the rating period? \_\_\_\_\_

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What performance area(s) would you identify as most critical for improvement? \_\_\_\_\_

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# EXHIBIT 10

Exhibit "A"

**Scott Robertson**

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**From:** Scott Robertson  
**Sent:** Tuesday, January 24, 2023 12:13 PM  
**To:** Fernando Santillan  
**Subject:** Project List

Hi City Manager,

The Selma Rotary Club has requested me to provide a state of the city address next Tuesday. Would you have a list of projects Selma is working on so I can deliver to the Rotary Club next week? For example the Clarkson Lift Station on the West side of the city and all those projects in development would be great to mention as well as other. Thank you for your help with this.

Scott Robertson

# EXHIBIT 11

Exhibit "B"

**Scott Robertson**

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**From:** DWIGHT NELSON <dgn1443@aol.com>  
**Sent:** Thursday, November 10, 2022 12:04 PM  
**To:** Scott Robertson  
**Cc:** dealersec; Executive Assistant  
**Subject:** Re: Hwy 43 Road Improvement Schedule

Fernando is misinformed. A meeting is critical to have in order to allow my development to proceed after 4 years of trying. Between you and I it appears that you are being intentionally misinformed by Fernando and possibly Rob T.

Sent from my iPhone

On Nov 10, 2022, at 11:49 AM, Scott Robertson <ScottR@cityofselma.com> wrote:

Hello Dwight,

Below is the response from the City Manager regarding your question re the offsite improvements timeline.

Scott Robertson

**From:** Fernando Santillan <FernandoS@cityofselma.com>  
**Sent:** Saturday, November 5, 2022 7:53 PM  
**To:** Scott Robertson <ScottR@cityofselma.com>; Rob Terry <RobT@cityofselma.com>  
**Subject:** RE: Hwy 43 Road Improvement Schedule

Hi Mayor Robertson,

Thank you for forwarding Mr. Nelson's email. We are still coordinating internally regarding the project schedule, as the encroachment permit was just received.

As I mentioned to Dwight over the phone, we will be reaching out to him as soon as we have a clearer picture of the timeline, which should be soon. At this time, a meeting would not be productive as we do not have any further information to provide besides what we've already discussed with him.

Thanks,  
Fernando

Fernando Santillan, AICP  
City Manager  
City of Selma  
Office: (559) 891-2200 ext. 2250  
Cell: (559) 365-5573  
[fernandos@cityofselma.com](mailto:fernandos@cityofselma.com)

Exhibit "C"

**Scott Robertson**

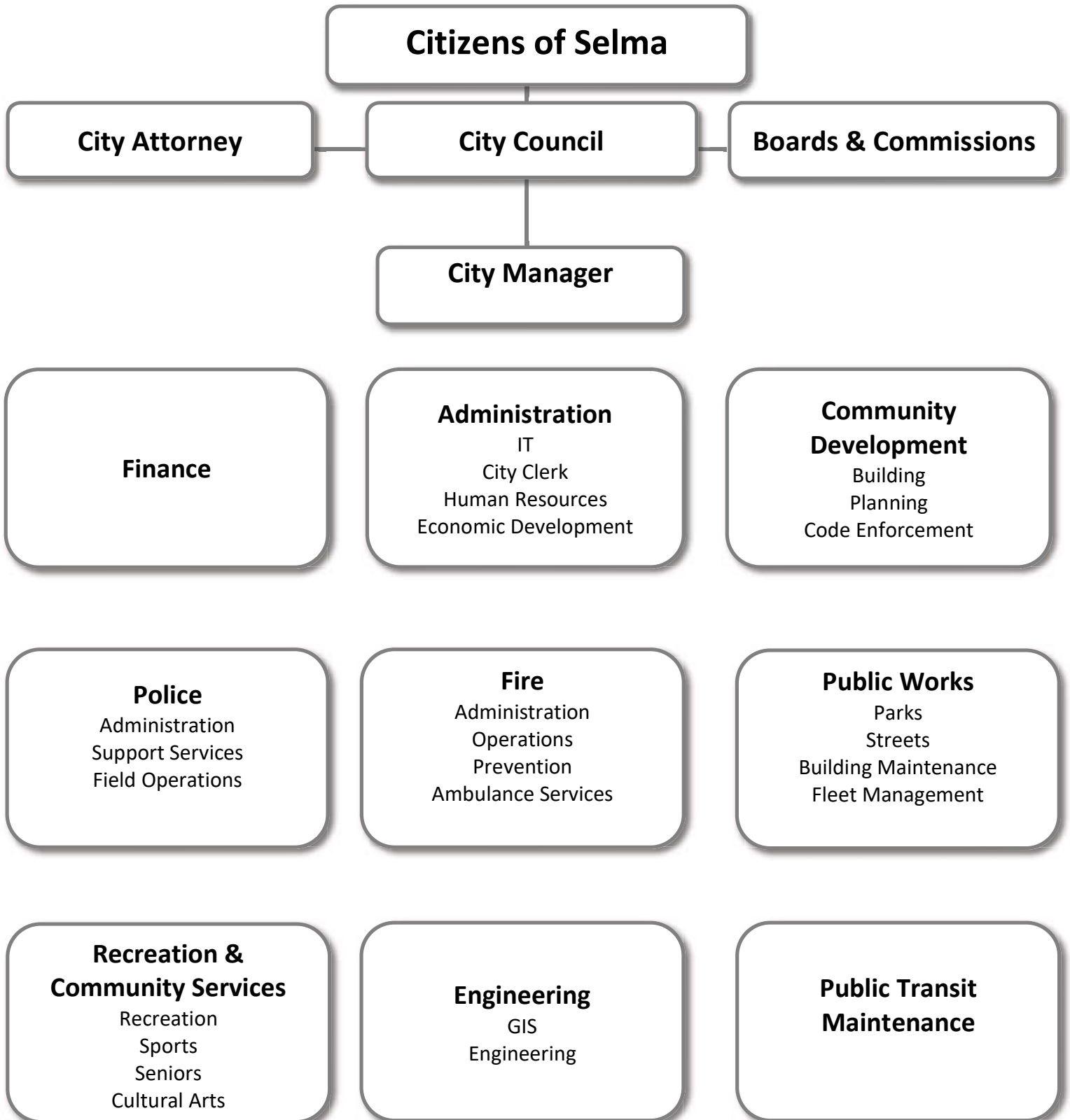
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**From:** Dwight Nelson <dgn1443@aol.com>  
**Sent:** Thursday, November 10, 2022 2:43 PM  
**To:** Scott Robertson  
**Cc:** dealersec@selmaautomall.com  
**Subject:** Re: Hwy 43 Road Improvement Schedule

we have a meeting scheduled for Nov 15 at 3pm with them on other subjects would you like to attend?

# EXHIBIT 12

# City of Selma Department Organization Chart



# EXHIBIT 13

# Closed Session Statement, April 18, 2022

Mayor and Councilmembers,

Please receive this statement as a formal complaint against Mayor Robertson and the Selma City Council for the events that occurred at the Selma City Council Meeting on April 4, 2021. Specifically, Mayor Robertson, as the chair of the meeting, failed to protect staff from potential harassment, bullying, and exposure to a hostile work environment, with the basis of the harassment being discrimination on the basis of my ethnicity. More specifically, as part of what appears to be a coordinated campaign to raise an issue about the employment status of another City employee, there was a statement made by Mrs. Joan Nelson to the effect that Selma is now being run like a ghetto, similar to Parlier, and that the Council have hired people accordingly. As you know, the only people that Council hires are the City Manager and the City Attorney. As you might also be aware, and as a different member of the public pointed out in the same meeting, the word ghetto has racist overtones and implies an undesirable place due to a concentration of people of color. I am the only person of color that the Council has hired who is currently employed with the City, thus, it logically follows that Mrs. Nelson was referring to me with her discriminatory remarks.

Further, Ms. Yolanda Torres, following Mrs. Nelson as part of the coordinate campaign, addressed me, a City employee and staff member, directly and by name, and began questioning my qualifications in a manner which included offensive and profane language, and which was clearly intended to intimidate, harass, and bully me. I looked at Mayor Robertson, hoping that he would receive the message and put a stop to the public addressing staff in such a disrespectful and profane manner, and he looked back at me and nonetheless allowed the harassment to continue, being fully aware that the public is not to address staff or other members of the public. In a later part of the meeting, at the direction of the City Attorney, the Mayor did indeed instruct the public commenter to address the Council only when the speaker was addressing the audience. This instruction to the public, for whatever reason, did not occur when the speakers were addressing me.

This was a clear breach of the Mayor's duty as chair of the meeting and the Council's responsibility to protect City employees from discrimination, harassment, bullying, and

a hostile work environment. I highly doubt that if anyone had come into your place of business and began yelling at your employees in such a manner as was done to me, you would immediately take action to stop it. In my case, you chose not to do this - in violation of your responsibility as an employer.

I am currently deciding on whether to file a complaint with the U.S. Equal Employment Opportunity Commission or the California Department of Fair Employment and Housing . Regardless of whether I take this action or not, I want to make it clear to you, Scott, and the rest of the Council, that I WILL NOT tolerate discrimination or harassment of any kind, either against myself or to any member of my staff. Further, I am requesting that the Council direct the City Attorney to engage me in a renegotiation of my contract to incorporate language which protects me from future harassment of this sort and other potential revisions as proposed.

I would also like to note that any disclosure of my complaint today, or any details related to it, will be treated as evidence of retaliation and further harassment.

Thank you.

Fernando Santillan  
Selma City Manager

# EXHIBIT 14

Sign Up

Email or phone

Password

Log In

Forgot account?



**Scott Robertson Selma Mayor**

March 15, 2022 ·

Thank you to Joe Gomez for his service to the citizens of Selma as Police Chief. Joe was terminated without cause by City Manager Fernando Santillan after being placed on paid leave by the previous Interim City Manager Ralph Jimenez since July 2021. During his brief tenure crime was down in Selma and the Chief focused on arresting criminals, getting guns off the streets and removing illegal homeless encampments. I hope the next Police Chief the City Manager hires will make public safety for Selma's citizens and not politics his or her top priority.

English (US) · Español ·  
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# EXHIBIT 15

# City of Selma City Council Meeting April 4, 2022, Part 2

## Transcript

1:16:27 through 1:39:33

<https://www.youtube.com/watch?v=Ssjr92MOntI>

Mayor Robertson Does anyone have any comments they would like to make at this time? If so please come forward.

Joan Nelson Hi there. Joan Nelson, 1058 Neal Street. To say how grateful I am and our city Shane Farrell as our director of public works harder than anyone in this town, including all of you. He spends endless hours working for us, and it's a city he grew up in. I heard that some of you were planning on demoting Shane. I was shocked. Of course, why would it surprise me? Some of you just play dirty and you don't even care what it does to us. I sent all of you council members and the city manager an email in regards to this. The only response was from our Mayor... he thanked me for my concern. In the last two years, some of you on the council have made decisions that is ruining our city. I have lived here 70 years. Seventy years and I've seen how this town was the best and...This isn't survivor island here. Wonder why people are moving out of this town? Selma has turned into a ghetto, and it's being run like Parlier. Sickening, it is totally sickening to me. It seems as though the only people you are hiring are part of your plan. There's three of you up there that have a plan. Well, I'm here to tell you this city is not yours. It's ours...it's our city. Back to Shane. He is one of the best things that has ever happened in our city. He works his butt off for you, and all of us to look better. This is stupid, totally stupid. If you want the city to move forward, I ask you to reconsider Shane at in his current position. Thank you.

Mayor Robertson Thank you. Do we have anyone else who would like to make a comment at this time?

Yolanda Torres: Hi everybody. I know it's been a while, but um, first of all I would like to say once again complete disappointment and disgust at the voting that you did last week. Or whenever the last meeting was. You don't understand or even know what Shane has done to me...I mean done to me, but to our community especially, to my neighborhood on the west side. He-they have worked so hard to get things running, our parks up and running, equipment replaced. Everything. So, for any of you who voted against, that I don't understand what the hell you were thinking. And I'm sorry don't even try to interrupt me at this point. And you city manager, I don't know you, and from what I heard about you, where are your qualifications? You want to talk about someone being qualified to do their job? Shane has been in his position for 19 years, three of those as a director. And look where our parks have been. Look what our city has become in those last three years alone. Okay? You haven't been here long enough to say that, to see that, but you want to just take for word what people say or disgruntle employees and say. You didn't interview everybody that you said you interviewed, so let's have some transparency, let's be honest. Where are your qualifications? You've never been a city manager before, so what qualifies you to sit up there and turn our city around and make decisions like this? We can't keep city managers, we can't keep police chiefs, we can't keep officers, where at your...you people that are voting this bullshit are running our long-term employees out of this city. We shouldn't

have 20-year police officers resigning because they're afraid to get fired. Or 20-year employees, you know, putting in the resignations because they think they're next on the hit list. This has to stop. This has to stop- Navarro I'm talking to you. Bev- I'm talking to you and John I'm talking to you directly. Whatever little thing you guys have going on...let me tell you something. This isn't gonna work because this is our city, okay? And I'm gonna bring in the media. I'm gonna try to see what your qualifications are, to even see if you're qualified to be sitting in that seat because I don't think you are. And I don't understand, if you are qualified, why do you need deputy assistance? Why do you need a secretary? Teresa Galavan and Isaac did it all by themselves. They were getting paid good money. And from what I'm seeing, the amount of money that you guys approved for these positions is INSANE! So now we don't even...we don't have a park. We're not gonna get a fire department for our fire office...for our fire department. Everything's gonna be put on the back burner because you guys just think it's your money. It's OUR money! We're the taxpayers. Why aren't you letting us know what's going on here? We wouldn't approve all this nonsense. You are approving raises in Selma that Clovis...and you're from clovis so I'm sure you know Mr. Santillan. I'm sure you know, because you don't live here. You're getting they're- they're you're

Mayor Robertson      Thanks for your comments.

Yolanda Torres          approving more money here than they are getting over there

Mayor Robertson      Thank you for your comments

Yolanda Torres          Get your shit together cause I'm not gonna tolerate this. I'm telling you right now. I will go to the media!

Mayor Robertson      We appreciate it, thank you. Our next speaker?

Selena Martinez        My name is Selena Martinez, uh born and raised in Selma and I'm here because-I'm not sure what's going on. Um, but I'm just going to address uh the first person who spoke because um they denigrated ...Parlier and called it a ghetto and that's what "Selma was turning into." I'm not sure on all the facts, but I just like to say that we shouldn't tolerate racist language and denigrate a whole town because they're Mexican, and that's what ghetto means. So I hope that the city will take into account what racism is, and what race...what racist language is and that was and I was offended by that.

Mayor Robertson:      Thank you for your comment.

Joan Nelson            Joan Nelson 2413 Country Club Lane. I've been hearing rumors for quite a while about Shane possibly being demoted from his position. I've known Shane for-since he was a little guy. I agree with everyone else. No one works harder for our city than Shane does. He's out there early in the morning, late at night, cutting the rose bushes, you know pruning them so they all look great for our um plaza, and I don't know what's going on here. I don't know who's voting against him or what this is all about. There's some obviously some disgruntled people, but Shane Farrell deserves that position. If it means he's not qualified, then let's get him qualified. Because all of a sudden now he's not qualified after three years. I don't understand this. So if he

needs some qualifications, let's get it. No one's going to do a job better than him, unless I'm missing something. If I'm missing something then someone needs to clear it up, because I don't understand it. Nobody tells us why people are let go at will. I don't...I don't understand. He deserves that position. He works hard. You always see him working, always. And somebody's making a big mistake. I...I agree with Yolanda. I don't know what's going on, but somebody's you know, out for people and for whatever reason, but we're not knowing the true truth behind it and I think it's only fair that us citizens know the reason why people are let go. Thank you.

Mayor Robertson      Thanks for your comment. Anyone else have a comment at this time?

Jim Avalos      Jim Avalos 1701 Dino Street, Fire Chief, Police Department. Lord, I'll be honest with you guys; during that time we had a pandemic situation, not only here in the City of Selma, but through the whole nation. Gentlemen, these people that stayed here long enough step into the program...and been there too no, but everybody worked for the city. They had to become multitasked for what they'd done, overall and it's and it became very difficult. Uh comes...you know-wear many hats and yet do the job...for Selma. And their pay, I wish I could have paid them more, but at the time we couldn't, but they were short-handed...fire departments, everybody was short-handed. But now it's time. When I see \_\_\_\_ of the city going...people are leaving the city, leaving the city, all departments, leaving the city-there's a problem. We got a problem here guys. We gotta fix this. You know, if Selma's gonna move forward and we're gonna go in the right direction. And when we see people, good people leaving or being dismissed or being replaced, this is not good guys, because other cities are looking at us, trust me. I know. They're calling me guys, you know they level all the way down funny \*inaudible\* state level and everything that reflects the city. They look at cities like this they say, (clears throat) "Well, I give no money because we don't know what's going on \*inaudible\*" great it is happening. You know (audio cuts out) forward we got to move forward smartly. So (audio cuts out) fix the problem what is going on (audio cuts out). If you continue this way, the city is going to be \*inaudible\* trust me man \*inaudible\* little nervous guys. Avalos wants to bring people to the City of Selma, more jobs \*inaudible\*. Pays, I want them protected. I want the citizens to feel good about the City of Selma. I want the veterans to be happy, I want everybody to be happy, the chamber be happy, everybody be happy to work together, not in disarray. I don't like that. Together you know citizens people good people guys we can't jump off planet earth, okay. We got to work together. That's all I got to say. Thank you.

Mayor Robertson      Thank you for your comments. Anyone else have a comment at this time? We have anyone on the line? On Facebook?

Sam      HI this is Sam. This is Sam from the 1400 block of Huntsman. And first, I do want to say that I'm originally from Parlier and I take no um objectivity to what was said earlier about Parlier. They were talk-what she was talking about, whoever that was, was the chaos that's taking place in Parlier, it's happening here as well. You need to see that, fix that, stop the infighting and work for the citizens. The other thing I wanted to say was, I didn't see it on the agenda but I know it was discussed at the last meeting, but the pride flags. You talk about something that was a big oversight. You know, you guys aren't doing the work your due diligence as for the seats that you hold as representatives for the city. To make sure that things like that don't slip through and cause even more infighting and now throughout the community. You guys failed big time, so

fix that. And I hope what is presented in the future, if not today, because I didn't see it on the agenda, is something that aligns with the law that already exists. Thank you.

Mayor Robertson Thank you. Anyone else on Zoom or on the phone who'd like to make a comment? Okay, that will bring it back. If no one else has comment to make it this time we'll move on from oral communications to our consent calendar.

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City Manager Santillan ...city the flexibility to pay a consultant um, to come in as a as a city employee temporarily for up to six months without paying them benefits. Um and so, this really is just something that gives them...gives us some flexibility when we have turnover and we need to continue city operations efficiently.

Mayor Robertson Does this um allow the city to get around a posting process requirement? Or...and is there such a posting process requirement for public jobs within cities?

City Manager Santillan These particular positions are not part of the competitive civil service um, design they're unrepresented. If we are able to identify individuals who can meet the requirements of the position, we would not be required to post it as I understand it.

Mayor Robertson Okay.

Council Member Guerra: Okay... so, the Special Project Manager- are we saying that this is an additional position where it's going to be contracted? So they'll have a contract is what you're saying for about six months?

City Manager Santillan No, they will be on the city's payroll. So they will not be a contractor. Um, they would only be limited...be limited to six months with the city with no benefits, but they will be an employee of the city.

Council Member Mendoza-Navarro But they will not-

City Manager Santillan There typically would be an employment agreement just like we have with uh you know, our at will positions for example... and the reason that we chose to uh call it Special Projects Manager is...you know as opposed to finance interim, you know position, this gives us the flexibility to...to place this person in human resources for example where we're stretched thin at the moment or in community development if we needed an additional planner. Um, so it gives us that flexibility.

Council Member Guerra: So we're looking to get another position. Special Project Manager, his pay range would be around \$50 to \$175 dollars per hour and... I mean this again, here we go you know?

Mayor Robertson Do you mind if I say something? Do we, why aren't we focusing on keeping the employees that we have here, rather than going out and getting these special

projects. I, I think that employer retention is the key, and I think this philosophy of change for change sakes is not working for our city. I just think it's this is...this is a part of the failure of our city to keep employees...having this position. And my question is, how long would this Special Projects Manager position be on the books if this is approved tonight? Indefinitely, or is this just an in-def...or is this a for a finite amount of time?

City Manager Santillan        So the actual position that's being created would remain on the salary master schedule, however, each individual role that's filled under the Special Projects Manager title is limited to a maximum of six months.

Mayor Robertson        And then if it works out, they would segue into a permanent position with the city? Is that correct?

City Manager Santillan:        That would not be the plan. Uhh what we're looking for is folks who are already retired who have the experience to continue operations in specific departments with specific technical skills, until we can find someone permanent to fill that position and, and those positions that are being filled would be posted through the normal competitive process.

Mayor Robertson        And if this is temporary...or do they actually step...I mean I'm looking at page seven of seven and it starts at 50, 95, 125,150, and 175 an hour, and it looks like those are actual steps based on their time for of service.

City Manager Santillan:        No. Thanks for...for asking that. It's a good question. We would start them at a specific rate within that range and keep them there for the duration of their employment with the city. They would not be eligible for promotion...for..

Mayor Robertson:        Stay at one pay level.

City Manager Santillan:        Correct.

Mayor Robertson:        Other comments at this time? We have any comments from the public on this issue?

Yolanda Torres:        The amount of money that you're saying... there we go again. we're spending money again, but look what you guys approved. Look what you guys approved last time. Look at the amounts of money you approve and now you want to create another position. Explain that to me please. Santillan I'm speaking to you directly. I'm sorry, it's your position you want to create. Please explain where they will be working

Mayor Robertson:        So this is not oral communication so we can't communicate, I believe with the with the folks that are coming up, citizens asking questions.

Yolando Torres:        Okay counsel, can you ask ? Or can somebody give me an explanation. I'm asking him because it's his...something he wants to create so we need an explanation. We're not...I don't understand this.

Mayor Robertson: Right so this is on the agenda because the city manager put it on the agenda. If you would like to address that

City Manager Santillan: I would be happy to absolutely. So for example, the position that we are currently looking to fill is in the finance department. So we're looking for a Finance Director Treasurer, um we currently have that position vacant, so what we're looking to do is create the Special Projects Manager to bring in a Retired Finance Director who has worked in other cities throughout the state, to help us out with it for a couple of months while we fill that position until we can complete the recruitment for a well-qualified Finance Director. This position, the reason we're creating it, is that so that person who comes in to assist us for a couple of months, doesn't run into issues with CALPERS in terms of working and getting paid while they're also receiving retirement benefits.

Yalonda Torres: Okay, so what you approved a finance/treasurer department, a senior accountant for \$5,689 to \$6,999...15 a month...that falls under the finance so you need someone else to work in the finance as well?

City Manager Santillan: So correct those budgetary appropriations were to be able to support the salary of whoever's coming in to fill that vacant role currently. So that role is not currently filled.

Yalonda Torres: I...like the Mayor said just a bit ago, I don't understand why all these positions are being created when we're letting people go. But we're letting employees go for no reason, or demoted them, or whatever you want to call it, however way you want to route it, but look at the amount of money. We have Administrative Department, we have a City Manager Department, we have Finance Department, we have a Community Department that has four positions, a Police Department Chief, which I know we need, and a Public Works Director. We have one right here. We don't need another one. We can just...he's got the experience. Just give him a little bit more money that you were going to get this new person. Like I don't understand why these are all being created. This is the problem we're having in our community, in our city. We can't get anywhere. We're not...where are we getting the money from? It's not growing from the trees. I'm just confused why you keep creating all these departments

Mayor Robertson: Thank you for your...

Yalonda Torres: Makes no sense.

Mayor Robertson: Thank you for your input.

# EXHIBIT 16

**City of Selma City Council Meeting March 6, 2023  
Transcript**

**1:25:37 through 2:32:46**

<https://www.youtube.com/watch?v=jGhu1K8B4WI&t=5190s>

Council Member Trujillo: Uh Mr. Mayor, I'd like to add into your uh second pulling of number two. I'd like to stress to create a format where the Mayor inputs...gives us his input and asks for the City Manager give the input and, third it would be the council's comments, fourth would be the community input and then bring back to the council for a vote.

Mayor Robertson: Um Council Member, I don't know what the format's going to be given that I'm going to make my comments and then I will be recusing myself so that'll be up to the Mayor Pro Tem Cho who will run the meeting after that so you can...you can approach that. I'm an interested member of this. I am an interested party here therefore I can't really take part in the anything other than addressing this Council body as an interested member of the public. But if you would like to address your comments to Mayor Pro Tem Cho who will be running the meeting for this agenda item, you're certainly free to do so.

Council Member Trujillo: Exactly that's what I was actually entertaining...the fact of I would like to have in a format and you didn't let me finish, the reason for that is because I'd like to keep it most importantly keep it professional and let's keep it at a very professional level. That is the reason for my format. Uh apologies but this is for actually talking to the council and the dais, not for any one individual.

Mayor Robertson: Is there a motion to approve item one of the consent calendar?

Council Member Trujillo: Make a motion.

Council Member Mendoza-Navarro: I second it.

Mayor Robertson: Call the roll please.

Unknown person: Council Member Trujillo?

Council Member Trujillo: Yes.

Unknown person: Council Member Mendoza Navarro?

Council Member Mendoza Navarro: Yes.

Unknown person: Council Member Guerra?

Council Member Guerra: Yes.

Unknown Person: Mayor Pro Tem Cho?

Mayor Pro Tem Cho: Yes.

Unknown person: Mayor Robertson?

Mayor Robertson: Yes.

Mayor Robertson: Okay without you, the City Attorney are including all of my complaints about the City Manager and yet you have blacked out all the complaints by the City Manager about me. I would like an unredacted version of my claim released to the public before this issue is voted on. I would like to amend my claim to include the City Attorney because the City Attorney is responsible for these unfair and discriminatory blackouts in my complaint. Note this could have been avoided by the City Council working with me in closed session at the last council meeting. Because the council majority will not work to resolve this situation with me, which is what I requested and have been denied, I am faced with no other alternative but to move forward with my complaint. Three members of the Council, Mayor Pro Tem Cho, Council Members Trujillo and Navarro could have stopped this, but have chosen to ignore the harassment and discrimination occurring on bear watch, and with their encouragement. All City personnel should be afforded the same rights and protections, and that includes me the Mayor. I am doing this so that future city employees don't have to face the same situation.

Council Member Guerra: City Attorney, this question is for you. Do you now need to recuse yourself since the Mayor named you in his complaint? And should we now table this and get legal representation or third-party legal representation.

City Attorney: No, so the complaint, a complaint against me is not on the agenda currently. Um that is not a matter that has been agendized. This is specifically a complaint only against the City Manager so I do not need to recuse myself in this matter.

Mayor Pro Tem Cho: Those should just see a manager...

City Attorney: And if you guys would like to table the matter that is something that you guys can decide as Council.

Mayor Pro Tem Cho: [inaudible] Can you do your statement? Okay City Manager will do his statement.

Council Member Santillan: Thank you members of the council for the opportunity to speak on the matter. I would like to thank everyone who has reached out to me to express their support of me and my staff. I would also like to thank the city staff and my department heads who worked tirelessly day in and day out to make a positive difference in Selma. At the end of the day the matter being discussed tonight is not really about me, but rather about a broader conversation in Selma. Around a changing culture in our local government. Pushback and the desire by some to maintain the status quo or always expected when there is positive change and I'm grateful to the City of Selma staff and partners who have embraced the vision of a prosperous Selma that serves

all residents. While I believe the time and place will come for me to address the specific points which relate to me in the claim being considered tonight, that time and place is not here or now. However, there is a matter which concerns my integrity and values which I feel is imperative for me to address. The claim being considered tonight is dated as of February 6, 2023 which coincides with a council meeting which I declined to cancel at the request of three Council Members, including the author of the claim. I declined to cancel the meeting in order to comply with California state law and specifically the Brown Act which regulates public meetings. Whether or not the claim being considered tonight constitutes retaliation against me by one of the Council Members for refusing to break the law is not a determination I can make, or should I make, but that the decision...that decision will be made one way or another by the appropriate parties. In any case I want to make it clear that no amount of pressure, attempts at intimidation, or retaliation will ever cause me to turn my back on my personal integrity, professional ethics and values and commitment to doing the right thing for Selma. I'd like to end by saying that in my years of public service, never have I been prouder of my community than in the last month. I have seen firsthand the unity respect, grace, love and support that the people...the people of Selma have shown one another. I only ask that we continue to build on that Unity, strengthen it, and resist attempts to divide the community, because when all is said and done, the only way Selma can move forward is together thank you

Mayor Pro Tem Cho: Let's go to the public comment. Oh I'm sorry.

City Attorney: Can I...can I address a few things first before we start with public comment?

Mayor Pro Tem Cho: Sure.

City Attorney: Just um...there's a couple things I wanted to clear up. Uh first being the reason that we're hearing this in open session was, one a request from Council. Number two, um threats of litigation are a public record. The redactions that are made were determination by me based on not revealing wild threats of litigation are a public record. Certain things are still confidential and privileged information and such confidential and privileged information was appropriately redacted from the claim. And that is why you are seeing a redacted version. Any member of the public that makes a public record request will see receive the same redacted version of that claim. And the last thing, I just wanted to address, because I received a question about it, um one of the redactions um almost seems to implicate that the City Manager threatened to hit Mayor Robertson in the face. I just want to make clear that that was not the person he alleges was going to hit him in the face. I redacted the positions of that specific person so that people could not try to make guesses as to who he was alleging that against. And that's it.

Mayor Pro Tem Cho: Okay thank you for clearing that up. Comment on Council first.

Council Member Guerra: So is the Mayor going to get his...afforded his time to read his...his version?

Council Member Trujillo: I thought he did.

City Attorney: If he were to read his version to...are you talking about the full complaint?

Council Member Guerra: That's correct.

City Attorney: If he were to reveal his full complaint to the public, he will be revealing privilege and confidential information. So um, if he were to do that he would be subject to consequences.

Council Member Trujillo: So do you want him to do it?

Council Member Guerra: Go ahead.

Council Member Mendoza Navarro: So um, I wanted to address specifically um and to um also talk about the redacted information. Like its specified, it's privileged information and so there are things that happen behind...behind closed doors that cannot come out to the public. Um one of the things that I wanted to clarify with this is, as elected officials we are not employees of the city of Selma. So we are not, um, we don't have the same privileges as if we were um City uh employees. We do not get protected by harassment. We do not get protected by retaliation. We don't have any of those protections. There are very fine lines when a Council Member is a...an employee and when they are an elected official. The only way that we are able...as a...uh employee, if there's any harassment or any retaliation, what happens is, you know...there's things that you are...um...can ask for you. You can ask for, you know a, uh certain things. We...we can't get demoted, we can't get fired, we can't get um, disciplined other than if we choose to step down. If for some reason we get recalled, or for some reason there are investigations and the D.A. says that you have to step down, those are the only ways that we are able to not be participants of City Council. I myself, um had asked that question before and that was the information that I received. So, um as far as...you know, there's a lot of heavily redacted information as our City Attorney mentioned, and there's a reason for that. There's a reason...um...but at the end of the day, the actions and the history um speaks for itself. Um what I can say is in a lot of these, the common denominator is the same, and so we really have to look at that right. Um there are always three sides of the story. There's you know one person's side, the other person's side, but somewhere in the middle there's the truth, and I know myself, I can sit here with integrity and confidence that I am making my decisions solely on what I know and what I am reading. And as far as being compliant, there is nothing going on in the background about anything. We are here to move our city forward and that's what we're here to do. And I was told on very many occasions, many, many occasions, because before I sat here and took an oath to represent the City of Selma, I was having to fight for this seat. And I fought hard, because I wanted to make sure that I had the voice for the City of Selma, and that's what I'm doing...and that's what I'm doing here, and I was told on several occasions that I had to have thick skin because I...I chose to run for this position, and so I had to have thick skin. And so guess what, I am still standing here and I will still continue to stand here, and I will continue to move the city forward, and I will continue to support the city staff a hundred percent, because I feel that they're doing a very good job. And like I mentioned last week, someone...a wise person told me, we are elected officials. We actually...in order for us to...to have a legacy, it's who do we appoint in those important key positions. That's going to be our legacy, is what are the they doing at the end of the day. And so if they're working, let them work. I am not...I'm...I'm too...I'm a boss to two

people. I'm a boss to the City Manager and the City Attorney, and I also have the citizens of Selma to represent and to respond to, so if anybody has any questions for me. If they feel that I'm sneaking around or what have you, come and talk to me because I will give you the full story as much as I can. Again, there's privileged information, and again I have gotten a lot of thick skin and um...and I will continue to work for the citizens of Selma and I will continue to support my staff. Thank you

Council Member Trujillo: Okay so um, first of all I'd like to thank all my constituents and my community that have reached out to me. Uh many questions and many answers are you know, and my answer was always you know, whatever's redacted I cannot say. Basically this started February 6. February 6 someone requested to have a meeting canceled. The meeting wasn't canceled. But there was reasons why. There's laws that we have to...we have to maintain...we have to...we're guided by. You don't just pull up a meeting and decide to just cancel it. You have to post it, you have to come in and dais and cancel the meeting. I wasn't privy to that because other people were having that discussion, and apparently three people got together and said yeah we're going to cancel it. But when it all came down, the meeting didn't get canceled because there was a following of, you can't cancel it. Not to mention the fact of a violation of a Brown Act at that time, that people have been in office for 10 or 12 years. The biggest option we have here in this community is the fact that when are we going to start governing from the city management level, to the City Attorney level, and letting staff do their job. But we're actually looking at today, is we're looking at a claim...I don't want to bring the innuendos of the dramas and stuff. This is a written out claim on February 6. Let me put a number to what the claim is. He's asked for insurance for...so he's 65 years old that's probably 324 thousand dollars. He's asked for legal...legal media...legal mediation, which means every time the City Manager wants to talk to the Mayor, he wants it to be written out and talk to the legal department...our attorney, and our attorney via talks through the City Manager. And the attorney manager talks the attorney and then talks to him. Well you know what, I want to inform you guys, in 2016 there's an identical resolution that's public record that he had the same claim with another City Manager. So, one more, he's asked for five thousand dollars every time our City Manager looks at him in an awkward way.

I've been in office for four years, maybe in six months, and I've been in office when I was 23 years old. I have never participated in discussions like this. But I will tell you guys this, this I'm going to put a number to it, you're looking at \$524,000 dollars. That's going to impact the general fund. I don't look at anything else, but I serve my community, and when I talk to people, I talk about numbers. I know it's sometimes it's harsh, but I talk about numbers. \$524 000 for an individual that decides to tell our community that it should not...it's not okay to be talked to, and not okay to be told no. We have all been told no. I own a couple of businesses people tell me no all the time. I have to humble myself...I humble myself to this community. It's the...the fact of the matter is this, do we accept a claim that's going to cost the community \$524 000. That's a rough estimate, and you know what, maybe it might...it might impact those we have to raise property taxes. I talked to my constituents all today and the past week about this. The fact of the matter, is we were elected to do a job. We're not here as an elected official to tell and look at somebody in the eyes and tell them a lie and say, they're saying and they're doing this. They're going in the back door and talking and doing this. We don't do that. That's the past. That's the past. What we have decided to do is raise our hand, and say that we're here for the community of

Salma, and we're electing people to sit, and we're proud to have...have hired a good staff and we are financially indebted to the community of Selma. So when somebody comes to us and asks us for five thousand dollars because you looked at me wrong, and you guys think it's okay, raise your hands, tell me it's okay. But if the majority tells me then we'll do it, but we're not going to do it in my watch. So what I want to tell my community is this, insurance for an a Mayor that has an insurance company, an insurance company, he wants insurance, and he has an insurance company. He wants you, you the members of community, you business owners, to pay for his insurance because we decided to hire a competent City Manager that's running and staying in his lane. What I have preached for since five...five years, is for everybody stay on their lane and to let people manage on their own. So when you ask me how I feel, I'm letting you guys know, and I'm just talking about the numbers, \$524 000 is what he's asking for. That's a rough estimate. Just put it down...let's just put it...don't talk about...let's not talk about the window dressings, let's not talk about the drama. Let's just talk about what are the numbers. 10 years, \$524 000. Why? Because he looked at me wrong. Why because the City Attorney has to mediate in between him...we need a go between...well you know what, 2016 they did the same thing. But what happened was in 2016, they had a majority Council that went ahead and kicked it and decided to approve it, and then 10, 20 years later got redacted, and got pulled out people.

You're not going to get that in this Council, because it's not right. What's the right thing? The right thing is to reject it, have and let the community know what we're doing. So when you sit here and you ask and you accuse...if you're an elected official in the past, and you did that, you should be ashamed of yourself. If you're an elected official and you stood up for it, I applaud you, but when you start looking at the numbers and they're \$524,000, to give the opportunity to a person to walk away, and he owns an insurance company...he owns an insurance company...he wants insurance paid by the city residents of Selma. That's what we're asking for. So, let this be clear, this community is going to move forward, we're going to change the culture in this community, we're going to back all our community, we're going to back all our city staff, we're going to back our City Manager and we're going to reject this claim, but I want you guys to...you guys have all the right to come up here and tell us you should pay him. You should pay him, you have the right. But as long as you voted me in, I'm going to do what's right for our community and we're going to reject this claim. And I'm only being honest, if you want to come to my office like everybody's been going and telling me, that's fine. But if you want to pay him \$524,000, my office is 19...oh sorry...twenty...thirty stop, I don't know. Just call me and tell me that you guys...I have too many offices. Call me and tell me you guys are okay to give him \$524,000, for him and his wife, even though he owns an insurance company. Okay aside of that, I thank you guys for the time. That's where I stand.

Mayor Tem Pro Cho:           Okay I might...I have one statement. I am very proud of our city staff, City Attorney and City Manager, and that's all I have to say. Um let's go ahead open to public.

Council Member Guerra:       Okay well I want to clarify something because some of these statements that Mr Trujillo has stated are inaccurate. The meeting that happened on February the 7<sup>th</sup>...was the day...the sixth, council meeting. I had requested to postpone the meeting because that was the day that we were doing a service at our community...at our Catholic Church for ...Officer Carrasco. Our officer that was killed that day. I was the only one that asked...we asked

on ample time...we gave enough notice to postpone the meeting and that's what it was. There was no three people that got together. I thought it was an appropriate request. I don't believe that there's one citizen in Selma, California that would have objected because of what has happened to one of our own, and that was Officer Carrasco, that took his...that was killed. So to ask to postpone a meeting should have been automatic by the staff, because we had staff crying...crying...couldn't even function in our city, and they should have been able to give that opportunity to say let's postpone a meeting. I don't think there's one person in this community that would have said, oh no you have to have this meeting, because if you do I'd love to hear it. That's what happened. The other thing is, you get to hear one side, one side of this, this story, you want to call about a Mayor asking for benefits, that's inaccurate...inaccurate. The statement that he...that they blacked out won't give you his side as to why, as to why what really went on. And I'll tell you, this didn't start in February. This has gone on because of the...the harassment. He was accused of certain things that was a lie. A total lie. So, until the citizens get the truth as to what really happened, that is what you all need to know. This is one-sided. And so many people have come to us...they come to our office and ask. Thank you. Thank you for being open. Thank you for being transparent. You guys protect our city funds. We have lost...we want to talk about money...the firing of Theresa Gallivan...the firing of the attorney...the firing of our Chief of Police...the firing...how many people did we fire under this watch. You want to talk about wasting public funds. You want to talk about...how much did we spend on Navarro's, Council Member Navarro's legal fees? \$48,000 of public funds. That's taxpayers money people. Wake up. Wake up. Now who's...where is the fairness now? Get Council...get Mayor Robertson in here and let him tell his side.

Council Member Trujillo: Okay, you done? Point of clarification. Uh the meeting could not be canceled, correct? It could not be canceled.

City Attorney: The only way the meeting could have been canceled is if you...if a quorum didn't show up, so you guys could have all not shown up, and then we wouldn't have had quorum to do business. Or a quorum came and opened the meeting and decided to postpone it.

Council Member Trujillo: Okay that's important.

City Attorney: Those are the...

Council Member Trujillo: That's one, the other point of clarification is that the last page does say he wants insurance for 10 years, or something, so I...I don't know where I'm hearing or reading something totally different. I do want to point clarify the two points that you just stated, and there's no reason to get upset and there's no reason to get loud. We...we're having a discussion here. Things are going, you know, we...we as a we as a City Council, we just discuss it and point of clarifications are number one, we couldn't cancel a meeting because there wasn't...you have to come to the dais, and you have to vote, hey let's cancel the meeting. There wasn't that. Maybe there was a little discussion but that's...that's that way, so that's one. Number two, this meeting was on January...on February 6<sup>th</sup>. We terminated this meeting at 6:25, right Bev?

Mayor Pro Tem Cho: Yes. Yes, we did.

Council Member Trujillo: I didn't go... I did not attend but...but everybody who went and attended the church.

Mayor Pro Tem Cho: We did.

Council Member Trujillo: Everybody attended it, so let's not make it a point of a point for something else. I want to point clarifications as to number one, the council in order to cancel a meeting you have to have three votes on a dais. Number two, he did, and you guys have the opportunity to look at it, the fifth page does read out that he does want insurance for him and his wife, that's an insurance agent. Um and...and number three, he has the opportunity to come here even though our City Attorney asked them not to read it...he has the opportunity to come read the whole...the whole statement. He has that opportunity. If you want to bring him in so he can read all five pages, that's fine. But he is going to get hit with a violation, and we are going to...we are going to walk through...we are going to see this through. The majority of the council is going to sit on the dais, they are going to vote and we're going to take it to the worst position. So if you want to do that, you go right ahead.

Council Member Mendoza Navarro: and I also wanted to clarify on the um, when in clarification, there was a public hearing that evening and we could not cancel that public hearing. And as a Council Member Trujillo said, we were adjourned at 6:25 so that we could allow staff to... to attend the vigil, which I actually attended myself. And I walked in right after the priest did, so we were able to get there um, within...I got there within like three minutes. And so staff followed me, and so they were able to attend because we made sure that we knew everyone had heavy hearts, and so we knew that we needed to get down to business, and get the points across that we needed to get through. And we had, um, we adjourned the meeting quickly so that staff could attend.

Mayor Pro Tem Cho: Thank you. Anyone else on counsel? Okay, public comments.

Jim Avalos: Jim Avalos, 1701 Danuba. You know, unfortunately, you know, it's got this far. It's terrible uh to see the City of Selma get another black eye in the public sector, you know, not caring about what is going on in the City of Selma. Dwight Nelson worried about his projects, not informed by the city, you know, I respect this gentleman, uh projects that are being delayed because you know, things are not being done. There's too much conflict. We've got to straighten the conflict out guys. Um you want to see things grow, and I um, you know you got to get rid of some issues in life, you know, put your differences aside. Pick what is important to the city. Take care of this man's sidewalk over here. You know he needed a sidewalk, you forgot about it. Okay there's other things in the city that you guys forgot. About taking care of the public itself, you know. Seem like you want to take care of one item that doesn't pertain...doesn't help the city. It gives the city a black eye guys, um and the attorney over here, you should have protected the City. When I say protect the city, I mean protect the city overall, you know. You're here...you're here to protect, make sure these Council people and the city is protected. But apparently you did not do that. Apparently you...you did something that could cost the city dramatic money. We don't know that. You know, uh, either side, you know, when I say either side that's...that's what I mean. You know, um, either staff or counsel, whatever. This is something that should have been litigated behind closed doors and fixed. And unfortunately

when you bring it up to the...you know, to the public, you know it, it doesn't look good guys. It shows that hey, all you...all you care about...this and that, but you don't care about what's happening in the city. You don't care about the guy's sidewalk. Dwight Nelson over here, his project, his business...business owners in our community. Tax bases coming in. All you care, you know, money. This is about money. Instead of spending money, you gotta make sure you get money coming in, you know. So it's you guys I...I would take a step back and I would...just take a step back please. Pull this off the item guys, okay. And be respected. I gotta ask you, don't give Selma a black eye, you know. You can look back guys, not just the City of Selma, through other cities. They're all looking at you guys. Trust me, I know for a fact. Thank you.

Mayor Pro Tem Cho: Thank you.

Dwight Nelson: Dwight Nelson 2755 Auto Mall Drive. I'm gonna give you my advice. A police officer was killed. Should there have been a council meeting that night? Hell no. I don't know what was motivating you as a council. I know if it was one of your children, you would not have had council meeting that night. What has gone on between City Manager and the Mayor, I don't know. But I do know what's going on between me and your city. I will tell you, I know there's two sides to this story. I believe, and tell me that I haven't always been a real advocate of Scott Robertson as Mayor, but I have to say that this happened a month ago. Today is the sixth and it's February 6<sup>th</sup>, this happened a month ago, why in the world didn't you get together and solve the problem and not make it what it is today? And that is a major major concern of mine because I'm trying to get things done. For five years I've tried to get something done for Selma to bring in more jobs, more business, more sales tax. Five years. Last week I was in a meeting with the City Manager trying to figure out how to solve a problem. I said "let's make a deal", and you know what he said to me, "I don't make deals." I said "what do we do now?" Well here's our City Attorney, and he gave me your City Attorney's name. I tried to contact her all day today, and there's been no response. You guys should step back, take a little breath. Get together with Scott and say let's bury this one, come on. Let's all work together. Get the City Manager to start working for we the people that are bringing business and people to this Selma. He doesn't live here, and I guarantee you he won't be here in a few years, but we will. So allow us to work together, and I'm going to tell you this honest God truth, last Friday I tried to get a hold of somebody in the planning department, no call back. Today I went to City Hall try to meet the somebody in the planning department, no callback. I called and said please have him call me back. Finally, I had to disguise who I was to get a hold of him, and he tells me "well I'm a contract planner." I said "what does that mean?" "Well I worked for Quadnoff (I believe it is), and I just work on an hourly basis." I said "why didn't you call me back?" "Well, I wasn't sure that was important." I said "you're closing the friggin off ramp into Selma. It's a big deal." It's a big deal. Jerry Farning last Wednesday night, when I called him, "Dwight, nobody's told me this." I said "yeah they're closing the off ramp. How are our customers going to get here?" "I don't know." No one from the city made any effort at all to talk to us as business people. You've got a problem internally.

Mayor Pro Tem Cho: Okay.

Dwight Nelson: That manifest into a fight between Scott Robertson and the City Manager.

Mayor Pro Tem Cho: Thank you. Thank you Mr. Nelson.

Dwight Nelson: You should look into it. Thank you.

Mayor Pro Tem Cho: Thank you.

Yvette Montijo: Good evening. Yvette Montijo 1092 Rorden Ave. And uh, Mr. Nelson I'm really glad you brought up a lot of those points because I can grow some of them. Um I bet the City Manager 110% because I know Scott Robertson really, really well. Better than I would like to know. I used to sit on council with Mr. Avalos, Mr. Franco, Mr. Robertson, Mike Durer, and ever since I've known Scott, he has always had someone in his crosshairs. He's a narcissistic personality who always plays the victim. First, he started out with Dennis Lujan, got rid of him. He worked on George Rodriguez, got rid of him. Ken Gray in the 2016 resolution, got rid of Ken Gray. Got rid of Greg Garner, D Vera Baron, Bianca Sparks, the City Attorney. Went after Louis Franco. Came after me with a vengeance, and so here we are. You know, you're...you talk about Scott needs to tell his side of the story. Scott has never wanted to tell his side of the story when it comes to this. This is why this was put into closed session. Because he didn't want anyone to know how much this was going to cost the city. It's going to cost the city what \$324,000 dollars for insurance, right? \$324,000. What is insurance...what does insurance benefits have to do with being told no with City Council. Scott's never been able to stay in his lane. He doesn't understand that being Mayor is just a ceremonial position. It...he gets to sign the documents, he gets to shake hands, and he gets to kiss babies, but beyond that, that's it. He has one vote just like the rest of you. He...it isn't like Fresno, he's not Jerry Dyer. He doesn't...he's not a strong Mayor and that's what people need to understand. Five thousand dollars a pop out of our city coffers. I hear you out there when Scott was up there and you Sara talking about oh this program for the school district, so wonderful. Thank you it warms your heart. But you know, we're looking at a half a million dollars potentially, that could be erased out of the general fund. That could go towards helping other programs.

Mayor Pro Tem Cho: Thank you.

Yvette Montijo: May I have your three minutes?

Mayor Pro Tem Cho: No. Oh.

Yvette Montijo: So may I? May I continue? Because I certainly...

Council Member Guerra: Who gets to call it?

Yvette Montijo: Have a lot to say about this. And the thing about Don Tao, saying that he died of a heart attack because...

Mayor Pro Tem Cho: Hold on. Hold on. Yvette.

Council Member Guerra: Double Standards.

City Attorney: You guys can decide...that's up to...completely up to you guys but if you give it to her, you have to allow everyone else to do that as well.

Yvette Montijo: Think of Don Tao's family.

Mayor Pro Tem Cho: What do you say? What do you say?

Council Member Guerra: No.

Mayor Pro Tem Cho: I know. I think we're gonna have to call it. Sorry.

Yvette Montijo: But I want you think of Don Toa's family. He says Don Toa died because of a heart attack due to the Mayor's...

Council Member Guerra: You had your three minutes.

Yvette Montijo: Um you had more than that Sara, and quite frankly, I don't believe...

Council Member Guerra: I'm a Council Member.

Yvette Montijo: Uh, just barely.

Mayor Pro Tem: Uh, okay.

Yvette Montijo: So you have yourself a good evening.

Council Member Guerra: You too. Thank you.

Mayor Pro Tem Cho: Thank you, Yvette. Thank you.

Louis Franco: Louis Franco, 1064 Mill Creek. Uh, something came to my realization right here, and I don't know, uh Council Member, today is Mayor Pro Tem Cho, so uh, has the city looked at, uh a possible conflict of interest from Council women Guerra, being that she is a partner with uh Scott Robinson and a blood relative of Rose...

Council Member Guerra: We're not blood relatives.

Louis Franco: You're not blood relatives? Oh ok. A sister of Rose... Rose Gallardo Robertson.

Council Member Guerra: Rose is my sister. We are blood related, but Scott Roberts and I are not.

Louis Franco: Um what I'm saying is if you're a partner uh with the Mayor and all of you work for the same partnership or business. Aren't we voting to give taxpayer funds that would

give you a financial benefit? If we're voting as it says right here, so you can see, uh on the last paragraph, insurance for myself and my spouse Rose Gallardo Robertson, until I reached the age of 65. Isn't that a cost saving to your business though? I just don't know if that is the financial conflict of interest. So I don't know if the city looked at that perspective, and if so, if it is, maybe you want to recuse yourself so you know, you don't do anything inappropriate, uh with that coming to light. But I like to point that out, and then I would like to share that I...I do agree with uh Yvette Montijo who just spoke about her comments, uh right here, it's actually almost seven years to the date, tomorrow's the anniversary, here's the actual confidential resolution um where it shows that the City Manager at the time, Ken Gray, is not allowed to contact the Mayor, has to go through the City Attorney. Identical with this, uh with, and the common denominator is Scott Robertson. Uh it's...it's one thing to say...uh...it's this person or that, but over the last decade, especially last seven years, all the legal issues, all the personal issues, there's one common denominator, and that's Scott Robertson. So I think if we want to look at the causes rather than looking at \_\_\_\_\_ and stuff, we don't say well, what are we doing and why are we continuing to do that? So this is my thoughts. Um, I support Council. I support the City Manager. I support all the businesses in here. Uh, I think we can move forward, but we have to look. Uh, if we're going to contain to tolerate somebody because they don't get their way, uh you know, we as the community have to say when are we going to move forward. That's all I'm saying.

Unknown Person: Thank you.

Mayor Pro Tem Cho: Anyone else?

Theresa Salas: Theresa Salas of 1701 Dinuba Avenue. I was a city employee for 20 years and I know that the...the relationship that the Council is supposed to have with the City Manager. They hired the City Manager, they hired the City Attorney and then allow them to do the rest of the hiring... the rest of the jobs um for the city. The...none of the City Councils should be hiring the Police Chief and the Fire Chief. That's up to the City Manager to do. You hired Mr. Santillan as your City Manager. You need to give him his lead to...to do what you hired him to do. You hired your City Attorney. I know that it takes like a million years to get a license to be an attorney, and so I'm not going to be telling her what she needs to do or what she can and can't do. That is...um what she went to school for. That's why we hired her to tell...to give us the legal ins and outs of what we can and cannot do. We've talked about a code of conduct for the council, that just keeps getting pushed aside and pushed aside. And Mayor Robertson and Council Member Guerra are against any type of updating of our um code of conduct for the Council, but it seems to me like this is a really good time when it would have probably come in handy had it all been all ironed out previous to this. The City Council meeting, I was acting city clerk many times when I was here, and when you have a public hearing on the agenda you can't just say we're not going to have the meeting, because the people who that's noticed to...may not be employed...may not be citizens of the city of Selma. It could be some construction company from Timbuktu for all we know, and they were told that there was going to be a meeting with their item on that agenda. So there was a public hearing on that agenda, so we had to have a meeting. I was here for the meeting, and everything else just went table, table, table, so they got to the public hearing. They did what they needed to do for the public hearing, tabled the rest of it and everyone was able to, including myself, make it in time to the church for the memorial service for um our police officer. If people would just keep calm heads and discuss

these things, all of this came about...if people are upset because we couldn't cancel a meeting...there's a reason we couldn't cancel the meeting. There's a reason that we have an attorney telling us what we can and can't do. There's a reason we have the City Manager running the day-to-day operations of the city.

Mayor Pro Tem Cho: Thank you. Anyone else?

Joe Gonzalez: My name is Joe Gonzalez 2305 Nebraska Ave. I'm listening to everything that's going on, and I've known Scott. I helped Scott get voted in. He walked the water with me. We've done a lot of things together, and it seems to me like he's being railroaded and, uh one thing I got to mention, look at...look at each other, and who are you gonna fire next? Is that on your agenda? Better be careful.

Mayor Pro Tem Cho: Thank you.

Pastor Marty: Good evening everyone. Pastor Marty 1801 2nd Street. Actually I just came to City Council tonight, I didn't know this was...just came to see all you guys, but uh, I just want to say this, you know, um Jesus, amen?

All Council: Amen.

Pastor Marty: Learn to get along with each other, and you know, there's a thing called an accord. There's difference in unity and accord. An accord is when two waring countries can come together, and for the better of the people, come to a peace agreement. Who needs to find it...you guys need to find that place, but I did want to say a little bit of clarity because Council Member Guerra, you're right. Officer Carrasco deserved all of that...that he received, and I can say the community, the county, state, turned out really well for our officer. But he went down and on Tuesday morning, Tuesday night we had a prayer vigil right here in Veteran's Plaza. By the way, Scott was there. Mayor Robertson was there, I think...I think...I think. But um, Thursday night we had another prayer vigil, probably some hundreds of people were there with all the departments from all over. Friday morning we had a prayer vigil, Seventh-Day Adventist Church, and then Monday night we had another prayer vigil at the Catholic Church. I just want to say with clarity, this wasn't just about overlooking something, it's just, there could have been prayer vigils seven eight days a week. Life's still got to go on, you got to get some things done. And I was here on that uh council meeting. I thought it was very respectful, the fact that it was done at 6:25. I didn't go to that prayer vigil because I'd been to three already, but I thought it was very respectful because I thought, wow everybody can get to that prayer vigil on time. I didn't come here to really say anything. I don't have a dog in this race. I do respect Fernando quite highly and his position. I'm thankful for him, but uh, you know, just you gotta learn to, it needs to stop, it really does. The town's worth more than...it's just worth more.

Mayor Pro Tem Cho: Thank you. Anyone else?

Rose Robertson: 1057 Mill Street. Rose Robertson. Again, on the Mayor's Complaint, there's a lot blacked out, by the city, on the Mayor's Complaint. We are not being told the whole story. I wonder if we're just seeing the information that makes the three on the council look

better. Once again, targeting the Mayor for doing his job. It's obvious personal information about the Mayor is not protected and anything goes about him, but anything spoken to employees or about employees, is a very great legal wrong. What about a double standard? We voted all of you in to work together, not to try to harass our Mayor who's been elected for the second time by the people. Because they deserve transparency, and they deserve what our Council does. In 2013 bring back whatever you want to bring back, if that's all you guys have, then you better think twice. Thank you.

Mayor Pro Tem Cho: Thank you.

Jennifer Guerra: Jennifer Guerra 1364 Stillman Street. Um, I'm not picking any sides. You know, it seems like there's this thing called pride. I look over at the City of Kingsburg and it's like, I look at them and then I see what's going up, and I'm like man, they're doing a great thing, you know. What are they doing that...that we're not doing here in Selma? We're bigger than them. You know when we started here, this is a great little town, and I'm just frankly...I'm embarrassed. Guys we need to work together. I'm looking at Fow...I work in Fowler. I love that Community. It reminds me of Selma. Put that pride down guys. Talk to each other. That's the only way that we're going to resolve this issue. I don't care about anything else. Please just talk to each other. I can see from coming in here, I can see the left side and some people on the right side. Come on. The pastors talked about Jesus, yes we need some Jesus in here. Please just talk to each other. Humble yourselves. Let's get this city going again, okay.

Mayor Pro Tem Cho: Thank you. Anyone else?

Louis Quintana: Louis Quintana 2435 Chaparral Lane. Um I too would like to echo, since I have been back in Selma, the professionalism and the work ethic of our City Manager. I...I want to just say that he has demonstrated, even the heat of the moment on the dais there, a very very uh professional demeanor. Um, what happens behind closed doors, I could only speculate that the same response is mirrored. After talking to Mr. Santillan on several occasions, I believe his heart is for the city even if he does not live in the community. I believe his interest is to see Selma become a great City that it...it needs to become. Excuse me. I believe he has the support of many of the citizens of Selma to move our city forward, because it's his job. That's what he was hired to do, and as a council I believe that everybody's staying in their lane. From my again history, in my crash course in politics over the last election, uh it was...it's my understanding that the Mayor is one fifth of the vote. Um like Mrs. Montijo pointed out, um people staying in their lane, uh people doing what they are asked to do, is to move the city forward. Uh, it is embarrassing uh to have a stigma, um as you say that you're from the city, among the other cities in the...the community surrounding Selma, because they hear the political war on the dais that happens. Um politicking here, politicking there. Um I'm all for making deals with businessmen in the community to move Selma forward in a in a legal transparent way. We need to move the city forward, as long as it's legal. I think that's how we work together. Um and you know the comment that Pastor Marty made, and our other citizen here, uh you know they're saying bring Jesus in to the picture. Jesus says he's the way, the truth, and the life. And I want to say this, let's have the truth come forward from the dais. Working among, again the City Manager, with everybody. Let's be transparent. Uh we want to see what's happening, and we...we actually demand transparency. We would like to know uh what's happening uh again within the legal

guidelines and everything that needs to be done in a legal manner, but we would like to see the City come out of this this war. Uh work together and bring us forward. Um let's look into the future. We believe Selma could be the great little city that it...that it needs to be. Uh and again if you want the same Selma, now we can speak into the community at large, uh you'll continue to keep the same Council Members in place. If you want that change, bring other Council Members. You have that right. You can go to vote. Thank you.

Mayor Pro Tem Cho: Thank you. Anyone else?

Unknown: As a reminder to the callers that we have on Zoom, if you would like to be added to the meeting queue, please use a raise your hand feature and we will include you, and on the meeting queue. Thank you.

Mayor Pro Tem Cho: Do we have any? Okay. Go ahead sir.

Robert Cortez: Robert Cortez 1751 McCall. I came to the meeting on the 6th of February. I'm not here to judge anybody here. I did come to the meeting, and I know they were going to have a service for this police officer at St Joseph's Church. It totally didn't bother me too much, but I said if I could get over there then I...I...I...I...I'll make an effort to get over there as quick as this meeting is over. So uh, when I did come to the meeting and they did have the meeting, the first thing that came into to my head was the Brown Act, okay. I don't know whether it's mandatory to do it under the Brown Act, but if it...if it was then you probably needed to come here and do something, okay. Now, uh it took maybe 20 some minutes before you went through the agenda, and then after the agenda there was a vote, if I remember right on a certain subject, okay. After that I think I was the Mayor Pro Tem Cho who ended the meeting and then uh everybody left, and I was okay with that. And I also went to the church, and a matter of fact, I'll tell you that the priest did an excellent job in what he talked about officer. So, uh, we have to see uh both sides of the issue in some way to see where there could be a meeting. That's all I'm saying, right. Thank you.

Mayor Pro Tem Cho: Thank you. Okay, anyone else?

Carl Bruce: Carl Bruce 1383 South Oakham, City of Selma. When there's gonna be change, there's gonna be pain. Because there's pain, doesn't mean that we stop. Change that we need to make. I encourage you guys to find...to make change... make that change. Keep going. Praying for you guys. Praying for our City Council. We're invested in the city of Selma, and we know that God has something special for Selma. Point pains, plans or not, they're not fun. I remember my boy when he was in wrestling. Growing fast, that's why he's big, and I tell him this one thing we gotta work through them. At the end of the day, give it all you've got. You can accomplish what you want. In 2019...2015 he was our national champion. He had to go through that pain. Sometimes I want to give up, just know that at the end of the day it will be all worth it. The City Manager, I've um worked with him. I've been here and shown in my plans and it's always been fair. Sometimes he didn't give me the answer I want to hear, but you know what, he's always been fair. The City Council, I...I work with the City Council. I...I've, you know, I come alongside each one of you guys, and I've always tried to keep each one of you guys as my friend, and I never try to take something personal because of politics or whatever, you know. But I've

had some people reject me because of politics. But at the end of the day, we're in a small City. We all got to get along. Gotta work together. Know that your community is praying for you guys. Our churches are praying for you guys. We love you guys, but let's keep going forward. Even in the midst of the thing, keep going forward. Like God's gonna do his perfect will. God bless you guys.

Mayor Pro Tem Cho: Thank you. So bring it back to Council? Many more? Do we need an action? A motion?

City Attorney: Yeah and uh one thing I just want to clarify before you guys vote, uh specifically the reason that we're voting on this is because the person who brought the claim, um asked for it to be considered a government claim, and that the city send a notice of rejection. A written notice of rejection. So that is why you guys are taking action on this item tonight.

Council Member Trujillo: Okay um, just I'd like to, uh before we place this, uh vote, I'd like to uh, hearing the community I think it's going back to double back and you know uh there's been there's been uh talk in regards to, I can't believe you guys had a City Council meeting, you know. Again, I'll go back to when I was 23 years old, an elected official, I was taught by a district four representative, Vernon Conrad from Reedley, and he told me when you take that oath, you know good or bad, you got to represent your city. And you gotta...at hard times you got to make the decisions. And when, you know I take it as, a point that you know, I really want to commend our staff for what occurred, but at the same time they were here at staff level talking about and working on issues that pertain to the city government. We are elected by the people and asked to do our job. To sit here and do a job...if it means that we go here and we have a meeting for 30 minutes or 20 minutes, but we do our job. Some people elect and say hey no that's not important. I think it's more important that I go, that's a difference of opinion, and that's a difference of an understanding on their behalf, but on my behalf I felt that I gave my input to the City Manager. We need to follow with the meeting because we got directed that we had a public hearing. That mattered to our city government. And municipal government moves so slow, that when you miss a public hearing, you're going to move it over to another day of day, but so that's one point of clarification. The other one is, you know working together, being humble, being honest, and being straight up. Just because you're humble, honest, and straight up doesn't mean that people are going to look through their ends and believe you. And that's what we have. We have difference of opinions. People...other people are looking through their lens and saying you're a liar. You guys are trying to pick on him. But if you go back, we've been asking for a code of conduct for many years. We've been asking for a handbook. We've been asking for professionalism. We've been asking for a government rule, where we can just follow and have meetings where someone can say no, yes, and not offend somebody, and not get pointed at and get yelled at. Things have run its course. They run its course because of the fact that people's opinions and matters, their decisions have been to not elect to have a code of conduct, not to elect to have a handbook. Those are items that you install in your municipal government or you're install in your business to make sure we don't have the problem we have right now. When we went on January 6 and we decided to put this and deny this claim, here now, we wanted to make sure that we had open communication and be transparent, but at the same time, a rejection of a claim is just going to turn out to be wherever they want to move it. And from our legal department, if you guys read it correctly, there she read it and said hey, I...I think we can reject

this. We should reject them. We're rejecting it. But I want you guys to know, just because we decided to reject this claim doesn't mean that we're not allowing to be on his side, or allowing to negotiate to everybody work together. We all love Selma. I have three businesses in Selma. I moved here in 2020. Bev has a business since 40's...60's.

Mayor Pro Tem Cho: It will be 60 years.

Council Member Trujillo: We...we...we love this community and we probably give more money than somebody else. We're probably out there more, but we don't go and show that. We don't want to do that. We don't have to do it. People know. So when we start talking about loving, respecting, and being, you know, that's the façade. What's inside of you, what you really mean and what you want to do, we want to govern where we want to make sure it's respectful. We're asking for respect, and right now we're asked to either vote yes or no. And I want to make sure that everybody knows that you can look through your lens and not agree with me, but I still love you as a person. You can have an opinion, but I still have a...I have a job to do. I have to look at all the facts, and I have to ask myself is this warrant for our community to pay him \$524,000 thousand dollars, even though he's an insurance agent. He wants insurance. He's an insurance agent. That's what it's...that's that that's no...take all the window dressing out, he wants insurance. He wants our city to pay him. So that's my opinion, and I stand.

Mayor Pro Tem Cho: Okay. Need a motion?

Council Member Mendoza-Navarro: I make a motion to consider rejection of this claim.

Council Member Trujillo: I'll second it.

Mayor Pro Tem Cho: Okay. Roll call.

Unknown Person: Council Member Mendoza Navarro?

Council Member Mendoza Navarro: Yes.

Unknown Person: Council Member Trujillo?

Council Member Trujillo: Yes.

Unknown Person: Council Member Guerra?

Council Member Guerra: No.

Unknown Person: Mayor Pro Tem Cho?

Mayor Pro Tem Cho: Yes.

# EXHIBIT 17

## City of Selma City Council Meeting June 19, 2023 Transcript

45:30 - 1:11:49

<https://www.youtube.com/watch?v=UIZSvGUF-1o>

Mayor Robertson: Um, so this concerns me. This is all about me (laughs). I'm gonna read a statement

“This agenda item continues the nonstop harassment I have faced since the election of 2020. Since that time I've been called a homophobic slur, threatened to be hit in the face and now with this hiring of Selma's seventh attorney in three years, the harassment will only grow worse as now another attorney goes after me to appease three council members – Trujillo, Mendoza-Navarro and Cho. I filed a police report on the Selma volunteer who threatened to hit me in the face and as a result, this person was promoted to a paying position in the City. If that isn't the creation of a hostile workplace, I don't know what is. I don't like doing this. One of the many questions this costly item raises is why hasn't the City Council hired an attorney to investigate the accusations of the City Manager against me. If an outside attorney is being hired to investigate my claims of harassment, why doesn't the City Manager receive equal treatment by the three council members and have his accusations investigated by an outside attorney as well. When I went through the proper channels and presented my claim to the City for harassment, discrimination and retaliation, the City council considered my claim in open session and voted 3 – 1 to reject my request for an MOU. Which is a Memorandum of Understanding. Surely, the Council thoroughly investigated this claim before voting to reject it. If the council felt that they did not understand my claim at the time I presented it, why didn't they table it then and retain an attorney to investigate the matter at that time? This action will cost the City needlessly \$25k - \$50k of taxpayer money, and it signifies the Council did not think through or thoroughly consider my previous claim. How could they have? Over half my complaint which details the accusations of the City Manager against me were blacked out by the attorney of the City. The Council refused to sit down with me in closed session as I requested to discuss this employment issue. I did the legally proper thing by recusing myself from the open session agenda item, and in so doing turned the other cheek, and opened the floor for anyone who wished to speak against me. Note none of those people who spoke that night ever came to me to make those comments to my face. I could have continued with legal actions against the City, but instead I have worked to mend fences and work with the City Council to make our City proceedings more collegial and friendly. I thought this sad time for Selma was over, and we had all turned a corner to improve Council relations, but this agenda item continues to pass dark acts of the three council members. Let's not regurgitate this item and drag the City further through the mud by a further act of harassment. I have moved on, and as long as there are no further unfounded accusations and acts of harassment against me, I will do my best to continue to work for the citizens on the council who elected me. Perhaps the goal of this non-stop harassment, like this agenda item, is to get me to resign, but those of you who know me know I am not a quitter. You elected me to be a voice for you and to honestly note my observations in public, which apparently is so objectionable to some, that the Council is attempting to silence me by hiring yet another attorney. I urge the Council to vote no on this additional expense which further tarnishes the city's reputation. For the good of the city, we must move on.”

# EXHIBIT 18

**From:** [Alexa F. Galloway](#)  
**To:** [Scott Robertson](#)  
**Cc:** [Alfonso Estrada](#); [Sonia Salinas](#); [Megan Dodd](#)  
**Subject:** RE: City of Selma - Request for Interview; Follow Up  
**Date:** Monday, August 21, 2023 9:29:00 AM

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Hi Mayor Robertson,

I am following up on my below correspondence as we are wrapping up our investigation soon. Your complaint made very serious allegations and we want you to have the opportunity to be heard on these allegations.

We reviewed your statement made at the June 19, 2023 Council Meeting and understand your position on our retention. However, given your statement, it seems there may be a misunderstanding as to our role and I wanted to provide a little more insight in hopes that you will reconsider our request to speak with you.

While we have been retained by the City of Selma, our investigation is completely independent of the City. We choose who to interview, we choose what documents to review and our findings are solely based on the facts we learn through this evidence. The City also does not have any control in the conclusions we reach at the completion of our investigation.

We understand you believe an investigation should have been conducted prior to the rejection of your claim by the majority of Council. However, this investigation is not to determine whether a Memorandum of Understanding should have been entered into but rather whether the allegations you made can be substantiated. We also understand you are concerned about the costs of this investigation. I appreciate how passionate you and the Council Members are about the City and I understand your concerns with the costs. However, we hope this will be more reason for you to speak with us as a complainant's failure to participate requires us to spend more time and effort in speaking with additional witnesses and reviewing additional documents to assess the claims made.

I hope this offers a clearer picture of our role. As I mentioned, we are wrapping up our investigation soon. We would still greatly appreciate the opportunity to speak with you about the statements you made concerning City Manager Fernando Santillan. If there is any other concern I have not addressed above, we are happy to get on a call to discuss.

Thank you again for your consideration.

**Alexa F. Galloway**  
Associate



[AGalloway@hansonbridgett.com](mailto:AGalloway@hansonbridgett.com)  
Direct: [\(213\) 839-7714](tel:(213)839-7714)

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**From:** Alexa F. Galloway  
**Sent:** Wednesday, July 26, 2023 2:40 PM  
**To:** Scott Robertson <ScottR@cityofselma.com>  
**Cc:** Alfonso Estrada <AEstrada@hansonbridgett.com>; Sonia Salinas <SSalinas@hansonbridgett.com>; Megan Dodd <dodd@griswoldlasalle.com>  
**Subject:** RE: City of Selma - Request for Interview

Hi Mayor Robertson,

Thanks for your response. The City of Selma has an affirmative duty to conduct an investigation into the complaint you made regarding illegal conduct, harassment and retaliation. The investigation would benefit from your participation and assistance. However, if your below response is the only input you are willing to provide, we understand.

We sincerely welcome your participation and hope you reconsider so we can understand your point of view concerning the allegations you made. If there is any other concern you have that we can address, please let me know and we're happy to discuss.

Alexa

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**Alexa F. Galloway**

**Associate**

Hanson Bridgett LLP  
(213) 839-7714 Direct  
(213) 839-7736 Fax  
[AGalloway@hansonbridgett.com](mailto:AGalloway@hansonbridgett.com)



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**From:** Scott Robertson <[ScottR@cityofselma.com](mailto:ScottR@cityofselma.com)>  
**Sent:** Monday, July 24, 2023 5:52 AM  
**To:** Alexa F. Galloway <[AGalloway@hansonbridgett.com](mailto:AGalloway@hansonbridgett.com)>

**Cc:** Scott Robertson <[srobertson.rober29@insuremail.net](mailto:srobertson.rober29@insuremail.net)>  
**Subject:** [EXTERNAL] Re: City of Selma - Request for Interview

**EXTERNAL:** Use caution when opening attachments, links or responding to this e-mail.

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Hi Alexa:

I'll pass. As I said on the record in open session when I voted against this needless expenditure of taxpayer money, I consider this investigation a further act of harassment and retaliation against me for my earlier claim. As such I won't be participating in your investigation.

Scott Robertson

On Jul 21, 2023, at 4:18 PM, Alexa F. Galloway <[AGalloway@hansonbridgett.com](mailto:AGalloway@hansonbridgett.com)> wrote:

Hi Mayor Robertson,

My name is Alexa and my firm has been retained to conduct work on behalf of the City of Selma. In connection with that work, we would like to interview you next Friday, July 28. Can you please let me know if you are available? We would prefer to speak with you in the morning (9 or 10 a.m.) if possible.

Thank you and we appreciate your time in this matter.

Alexa

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**Alexa F. Galloway**

**Associate**

Hanson Bridgett LLP  
(213) 839-7714 Direct  
(213) 839-7736 Fax  
[AGalloway@hansonbridgett.com](mailto:AGalloway@hansonbridgett.com)



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# EXHIBIT 19

**From:** [Alexa F. Galloway](#)  
**To:** [Sarah Guerra](#)  
**Cc:** [Sonia Salinas](#); [Alfonso Estrada](#); [Megan Dodd](#)  
**Subject:** RE: City of Selma - Request for Interview; Follow Up  
**Date:** Monday, August 21, 2023 9:30:00 AM

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Hi Council Member Guerra,

I am following up on my below correspondence regarding our request to speak with you in our investigation. We reviewed your comments made at the June 19, 2023 Council meeting and we understand your position on our investigation. I write to explain our role a little more so there is no confusion as to why we were retained and in hopes that you will reconsider our request to speak with us.

We were not retained to evaluate Mayor Robertson's request for a MOU following his complaint against City Manager Fernando Santillan. Rather, we were retained to assess the claims Mayor Robertson made against a City employee. Our retention is as independent investigators. This means we determine which witnesses to speak to, which documents to review and our conclusions are solely based on our own findings.

We also understand you are concerned about the costs of this investigation. We hope this will be more reason for you to speak with us as a witness' refusal to participate requires us to spend more time and effort in speaking with additional witnesses and reviewing additional documents to assess the claims made.

I hope this resolves any concerns you have. We are wrapping up our investigation soon and we would still greatly appreciate the opportunity to speak with you. If there is any other concern I have not addressed above, we are happy to get on a call to discuss.

**Alexa F. Galloway**  
Associate



[AGalloway@hansonbridgett.com](mailto:AGalloway@hansonbridgett.com)  
Direct: [\(213\) 839-7714](tel:(213)839-7714)

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---

**From:** Alexa F. Galloway  
**Sent:** Wednesday, July 26, 2023 2:54 PM  
**To:** Sarah Guerra <[SarahG@cityofselma.com](mailto:SarahG@cityofselma.com)>

**Cc:** Sonia Salinas <[SSalinas@hansonbridgett.com](mailto:SSalinas@hansonbridgett.com)>; Alfonso Estrada <[AEstrada@hansonbridgett.com](mailto:AEstrada@hansonbridgett.com)>; Megan Dodd <[dodd@griswoldlasalle.com](mailto:dodd@griswoldlasalle.com)>  
**Subject:** RE: City of Selma - Request for Interview

Hi Council Member Guerra,

Thanks for your response. We were retained to conduct an investigation following a complaint alleging, among other things, harassment and retaliation. You have been identified as a potential witness of the alleged conduct and we would like to speak to you about the allegations made. We would greatly appreciate your time and assistance with this matter. If your below response is the only input you are willing to provide, we understand.

If there is any additional concern you have that we can address, please let us know. We again appreciate your consideration and time.

---

**Alexa F. Galloway**

**Associate**

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[AGalloway@hansonbridgett.com](mailto:AGalloway@hansonbridgett.com)



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**From:** Sarah Guerra <[SarahG@cityofselma.com](mailto:SarahG@cityofselma.com)>  
**Sent:** Monday, July 24, 2023 2:45 PM  
**To:** Alexa F. Galloway <[AGalloway@hansonbridgett.com](mailto:AGalloway@hansonbridgett.com)>  
**Subject:** [EXTERNAL] Re: City of Selma - Request for Interview

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Good afternoon Alexa,

I voted no in open session at the June 19, 2023, council meeting and I clearly stated in open session this is mis-use of public funds that I did not support. I will not take part of your services.

Thank you,  
Sarah Guerra  
Council member

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**From:** Alexa F. Galloway <[AGalloway@hansonbridgett.com](mailto:AGalloway@hansonbridgett.com)>  
**Sent:** Monday, July 24, 2023 10:57 AM  
**To:** Sarah Guerra  
**Cc:** Alfonso Estrada; Sonia Salinas; Megan Dodd  
**Subject:** RE: City of Selma - Request for Interview

Hi Council Member Guerra,

Hope you had a nice weekend. I'm following up on my Friday afternoon email to see if we could confirm a time to interview you this Friday? We again sincerely appreciate your time in this regard.

Alexa

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**Alexa F. Galloway**

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**From:** Alexa F. Galloway  
**Sent:** Friday, July 21, 2023 4:22 PM  
**To:** [sarahG@cityofselma.com](mailto:sarahG@cityofselma.com)  
**Cc:** Alfonso Estrada <[AEstrada@hansonbridgett.com](mailto:AEstrada@hansonbridgett.com)>; Sonia Salinas <[SSalinas@hansonbridgett.com](mailto:SSalinas@hansonbridgett.com)>; Megan Dodd <[dodd@griswoldlasalle.com](mailto:dodd@griswoldlasalle.com)>  
**Subject:** City of Selma - Request for Interview

Hi Council Member Guerra,

My name is Alexa and my firm has been retained to conduct work on behalf of the City of Selma. In connection with that work, we would like to interview you next Friday, July 28. Can you please let me know if you are available? We would prefer to speak with you in the morning if possible.

Thank you and we appreciate your time in this matter.

Alexa

---

**Alexa F. Galloway**

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# EXHIBIT 20

**CITY MANAGER’S/STAFF’S REPORT**

**REGULAR CITY COUNCIL MEETING DATE:** March 6, 2023

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**ITEM NO:** 2

**SUBJECT:** Consideration of a Rejection of Claim, Mayor Scott Robertson, Claimant

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**DISCUSSION:** On February 6, 2023 the City received a new claim from Mayor Scott Robertson.

Mayor Scott Robertson is requesting a Memorandum of Understanding with the City with the terms stated in his claim, which is attached to this staff report.

After consideration and investigation, the City Attorney is recommending that this claim be placed on the Council Agenda for Consideration of rejection.

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**RECOMMENDATION:** Rejection of Claim.

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/s/  
Megan N. Dodd, City Attorney

3/1/2023  
Date

/s/  
Fernando Santillan, City Manager

3/1/2023  
Date

Please accept this email as a claim by me against the City for harassment and retaliation by City Manager Santillan. Once again City Manager Santillan is targeting me by attempting to silence and intimidate me with threats of litigation. I wish to put the city on notice that I will not be a target of the City Manger's threats and attempts at intimidation which are interfering with my ability to perform my duties as Mayor. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] As is evident from the agenda of the next regular City Manager attended by the City Manager, Santillan's re negotiation of his contract appears as a closed session item. [REDACTED]

[REDACTED]

[REDACTED]

The City Manager has demonstrated a pattern of disrespectful behavior towards me. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Furthermore his conduct towards me is interfering with my ability to carry out my job as Mayor. Such harassment has occurred with the tacit consent of the 3 member majority of the City Council. Mayor Pro Tem Cho, Council Member Trujillo and Council Member Mendoza Navarro have allowed such harassment to continue and by doing nothing since April 2022 are condoning and advocating it. Because of this I have no choice but to put the City Attorney on notice of a potential claim against the city's Employment Practices Liability policy for harassment of me. By doing nothing about the harassing behavior of the City Manager and his repeated targeting of me through his threatening and retaliatory emails, they make themselves a party to such behavior. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] This could have ended the matter with the Council using that meeting as a teachable moment, but instead the City Manager chose to leverage the 3 majority members of the Council who it can be seen from the minutes of nearly every City Council meeting since December 2020 have voted opposite of my vote. [REDACTED]

[REDACTED] This was the beginning of his threats against me. [REDACTED]

[REDACTED] The City Manager is no fan of free speech when he doesn't agree with the content and in his emails he attempts to preclude any debate of his defenseless position by not allowing any debate or discussion of the items he raises. [REDACTED]

[REDACTED]

[REDACTED] This second attempt to target me by the City Manager adds another Council member this time, Council Member Sarah Guerra as an additional target of Santillan's. [REDACTED]

[REDACTED] The reality of what happened was that Council Member Guerra and I after a Council Meeting stopped by on our way out to chat with the Deputy City Manager who was rumored to be leaving the City's employment. We asked Rob if the rumor was true and he said his role would be changing with the city. We left it at that and went on our way. The conversation was brief and in no way constituted an attempt to gain "Confidential Employment Information." A close colleague of the Deputy City Manager had called me earlier asking "What is going on with your City? Rob Terry handed in his resignation. Just thought you needed to know this." As Mayor this was of concern since the Deputy City Manager handled the lion's share of city planning activities.

[REDACTED]

I refuse to be the target any longer of Santillan's threats against me. To give you an idea of the very real threats I am faced with by this oppositional Council Majority, during the election of 2020 I was threatened by [REDACTED] that he was going to "hit me in the face." He harassed me and my family as we carried elections signs. I reported this physical threat to Selma PD and filed a police report. After the election of the new City Council majority which stands to this day, this volunteer was promoted to a paying position with [REDACTED] This Council majority has sho

wn a pattern of disregarding my rights and even my personal safety.

My health has suffered as a result of Santillan's harassment: I do not sleep as well and I have frequent anxiety ever since the repeated targeting of me by the Selma City Manager began. We all know the tragic loss of Selma Mayor Don Tow due to a heart attack while he was serving as Selma's Mayor. Many said his sudden and fatal heart attack was brought on by the pressures he faced during his time as Mayor.

For these reasons I am requesting this matter appear on the next City Council agenda as a closed session employment matter- anticipated litigation. I want all direct communications to cease between City Manager Santillan and myself except during City Council open and closed session meetings. This means any email from Santillan to me must go through the City Attorney who may forward the email to me. If there is an emergency matter that must be conveyed by text, all the council members should receive this anyway and that is permissible. However I wish all phone calls and texts from the City Manager directly and only to me to cease. The City Manager is not welcome at my place of business nor is he invited to my residence. If I must be at City Hall while the City Manager is there is to be no attempt to contact me by the City Manager. To this end please accept this as a request to the City Attorney to formulate MOU between the city and myself with these terms. The consequence of inaction or the violation of these terms will be legal action by me. In summary I am tired of the City Manager's continued harassment, attempts to threaten me and to use me as leverage to secure a more favorable employment agreement with the City Council majority and his repeated threats are preventing me from doing my job as elected Mayor of the People of Selma. To be acceptable to me, the MOU must contain the following:

For each instance of unwanted direct contact the City will owe the sum of five thousand dollars (\$5,000). Such sum will be payable to a CA 501 C 3 accredited non profit of my choice.

Health benefits will be payable by the City to my spouse Rose Gallardo Robertson and me until I reach the age of 65 at the current level of benefit and deductible, co pay terms with changes periodically made per the annual renewal of such benefit plan to the City.

I will follow up on this email with a phone call to you to discuss the terms of the MOU for the next Council meeting.



2-6-23

# EXHIBIT 21

**From:** [Sullivan, Stacey](#)  
**To:** [scott@robertsoninsagency.com](mailto:scott@robertsoninsagency.com)  
**Cc:** [Nicolae, Ligia Mona](#)  
**Subject:** Your claim with ERMA

---

Hi Scott,

It was a pleasure speaking with you yesterday. This is to confirm that you called me yesterday to indicate that you do not wish to proceed with your claim against the City of Selma at this time and you are withdrawing your complaint that you sent to Shelline Bennett that she forwarded to ERMA on your behalf. If I misunderstood your instructions yesterday please let me know by responding to this email and clarifying your intent. If you have any questions, please feel free to contact me.

Yours truly,

**Stacey Sullivan** | Litigation Manager

**Sedgwick**

Sacramento, CA

DIRECT: 916-244-1125

CELL: 442-232-7123 | EMAIL [Stacey.Sullivan@sedgwick.com](mailto:Stacey.Sullivan@sedgwick.com)

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# EXHIBIT 22

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**CONFIDENTIAL INVESTIGATION**

**CITY OF SELMA**

**RE:**

**Interview with John Trujillo: on 8/9/2023**

ESTRADA:

Okay, we're on tape. Today's date is August 9th, 2023, and the time is 12:10 PM. We are appearing here in person at the City of Selma City Hall in a conference room. My name is Alfonso Estrada, I'm an attorney with the law firm Hanson Bridgett, and our firm has been retained to conduct an administrative investigation related to allegations that have been raised to the city, concerning potentially inappropriate conduct on behalf of the city manager towards Mayor Robertson. I'm joined by my colleague, Sonia Salinas, here in person, and Alexa Galloway via Webex. So, I'm going to go have everyone go around the room and state your full name for the record, and state your last name for the purpose of accurate transcription. I'll begin. My name is Alfonso Estrada. My last name is spelled, E-S-T-R-A-D-A.

TRUJILLO:

My name is John Trujillo. Last name is spelled, T-R-U-J-I-L-L-O.

SALINAS:

My name is Sonia Salinas. Last name is, S-A-L-I-N-A-S.

GALLOWAY:

Alexa Galloway. Galloway is, G-A-L-L-O-W-A-Y.

ESTRADA:

Council Member Trujillo, as I told you, you've been identified only as a witness in this investigation, but your cooperation here will assist the city's efforts in investigating the allegations and getting to the bottom of it. At the conclusion of the interview, I'll request that you maintain confidentiality of the nature of the

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investigation and the substance of our interview. I'll also ask you not to interfere with the ongoing investigation to this matter, for the purpose of maintaining the integrity of the investigation and eventual report that we'll prepare. You'll also be asked not to engage in any conduct that could be deemed retaliation against any other City of Selma employee or witness involved. And if you feel you're retaliated against for your participation here today, please immediately report it to Human Resources. If, at any point, you need to take a break during the interview, you may. I'll just ask that if there's a question pending, if you can answer that before we take a break. With that said, do you understand all the admonitions I've read to you?

TRUJILLO:	Yes, I do.
ESTRADA:	Okay. And do you have any questions before we begin?
TRUJILLO:	No, I do not.
ESTRADA:	Okay. Council member, you currently serve on the city council for City of Selma?
TRUJILLO:	Yes, I do.
ESTRADA:	And when were you first...
TRUJILLO:	I was first elected in 2016.
ESTRADA:	You're under your second term?
TRUJILLO:	Yes.
ESTRADA:	Four-year terms?
TRUJILLO:	Yes. Sitting on the first year of the second term.
ESTRADA:	First year of second term. And which district do you represent?
TRUJILLO:	District 2.

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ESTRADA:

Okay. And what is your role as a city council member, District 2, for City of Selma, entail?

TRUJILLO:

As an elected official, this is my own opinion as to what I'm to... My job is to make sure to facilitate the policies, to adhere to our city manager. Our city manager is the operator of the city. And the way I look at it is that, we, as a council, municipal government, we come have meetings, we set policies, and we send them to the city manager, and the city manager acts on them and process them. So, my job is to facilitate, either trying to help get grants, city grants, to help our betterment of our city.

ESTRADA:

Okay. Well, do you serve on any subcommittees or is it just the city council?

TRUJILLO:

I used to sit on SKF, but that was just first term, and then I was removed from there.

ESTRADA:

SKF?

TRUJILLO:

Selma-Kingsburg-Fowler Sanitation District.

ESTRADA:

Okay. And then, do you have any other roles outside of the city council?

TRUJILLO:

I sit on a board for the Selma business lines, which represents the community. I own a restaurant/wine room, and I own another business. I own some property here, so I do sit... Prior to being on the council, I was on the Planning Commission, Personnel Commission, Streets and Sign Commission.

ESTRADA:

Okay. So, you've been involved in local government for some time now?

TRUJILLO:

I moved to Selma in 2000. Funny as it may, in 2001, the city mayor reached out to me and asked me to get involved in the

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community. They appointed me to the Streets and Sign Committee. And at that time, I started from there and I just kept on.

ESTRADA:

And who was the mayor back then?

TRUJILLO:

Back then, it was Mike Derr. And then, after that, it was Ken Gray, and Ken Gray appointed me to the Personnel Commission. And then, from there, I went on to the Planning Commission. And then, from there, I just kept on, moving around, asking me to participate in our community.

ESTRADA:

When did Mayor Robertson become the mayor?

TRUJILLO:

Mayor Robertson, if I am correct, took mayorship... I may have my dates wrong, probably 2011 or 12.

ESTRADA:

Okay.

TRUJILLO:

He took the leadership role of the [inaudible] completely.

ESTRADA:

So, he was the mayor when you were first elected in 2016?

TRUJILLO:

Yes, he was.

ESTRADA:

Okay. All right. Now, the current city manager, Fernando Santillan, how long have you known him?

TRUJILLO:

Fernando Santillan, prior to becoming our city manager, was our... And I may get this wrong, planning director, involved in the planning department. So, he was already in our staff. But prior to that, he had been in our staff for, probably... I may get the dates wrong, probably anywhere from a year to 12 months with the city. He had just gotten hired from a different administrator, the manager.

ESTRADA:

Okay.

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TRUJILLO:

That's how I met him, so I've known him since that time.

ESTRADA:

Okay. So, he moved from a position within the city to the city manager position?

TRUJILLO:

Yes.

ESTRADA:

Okay. And then, as far as your relationship with him, is it professional, social, both? How would you characterize it?

TRUJILLO:

I consider it professional. Just a little background. I was elected to the city council when I was 23 years old, and I was mentored by a county supervisor, and that was back in '89, 1989. And one of the things he taught me was difference between the administrative form of government and management form of government. Back in those days, a lot of it was administrative. These days, fast track when I got elected, their management. So, I understood the difference of an administrative and management, so when I met with Fernando, and when he became the city manager, I really pushed for our council to understand the difference between these two forms because it has a lot to do with the structure of how things go and how people push things. So, when you talk about how our relationship, it's a management form, and that's how I kind of keep the structure towards our relationship.

ESTRADA:

And what do you mean by that management form?

TRUJILLO:

What I mean by that is that, I understand that there's a lot of people that come to me and ask me, "Hey, can you do this? Can you do that?" And when you have a different philosophy of what we entered, prior to him being the city manager, people think that you could come and you can do it. And if that was the past, then

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the community expects that. So, one thing I really... And I'm still doing it, is I push a lot that, you're the manager, we set policy, you adhere to it, and that's how we're going to evaluate you. So, when you ask how do I... I try not to make it personal, to keep it more clean.

ESTRADA:

And then, as far as the city manager's role within City of Selma government, how do you view that position and role?

TRUJILLO:

In a joke, I could say it's a bob and weave, because of the fact that, in the past years, the culture has been, you don't come to the City of Selma's office to have things you don't set policy. Or if you want something done, you'd go to the mayor's office. And so, it's a bob and weave to a point where, you set policy at the city council chambers on a Tuesday and he had hears a ghost... And when the developers come here, you talk to them. So, how do I see the city manager's role here now? He's doing a great job, but it's been really difficult, because the culture in the past has been different. So, when you get that, you're going to, number one, go against it or fight it. And I respect a lot the fact that he's trying to stay the course. But it's really funny because when people don't get their way, they either going to yell or get mad and point fingers and do things, or that's what's happening. So, when you ask me how the city manager's doing right now, how he's been keeping up, for everything he's got against him, he's been bob and weave and doing the right thing.

ESTRADA:

And when you say, how things used to be, are you referring to a strong mayor type of government?

TRUJILLO:

No, I just mean that it was still a management form of

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government, but everybody... Our past city manager would have to go to the mayor's office and they would tell them what to do and she would do it.

ESTRADA:

Okay. All right. I think-

TRUJILLO:

So, it wasn't management form of government, because if management form of government was there, the structure was there.

ESTRADA:

Sure. Just not the practice?

TRUJILLO:

The practice was not practiced.

ESTRADA:

Got it. Do you have any concerns with the way that City Manager Santillan communicates with the city council, including the mayor?

TRUJILLO:

This is the first time, and I've been... When I was 21, 22 years old, I was at the city council and I've had past experience of four years there. And now, I'm 50 years old now, I ran again. So, I get to evaluate and see things differently and see how back when I was a young kid to where I'm at now. This is the way I'm going to answer that. We've had meetings where he's told me no and he's given me reasons behind, and I love it, because he's done his due diligence, he's done his work, found out why, and has given me the reasons as to, "Mr. Trujillo, I know..." I'll give you an instance. "I know that Art Center brings people in from out of town. I know that you want the community to get involved at our center, but we needed to look at it as the economic structure, an economic plan, that building, but we also need to bring it in as a community." I'm wanting to bring our community more so we've had dialogue. See? But the difference between a dialogue of a

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conversation, of a dialogue that... Just because he says no, doesn't mean we get angry and start pointing fingers and shouting, no, we have a good discussion, and we come out, and we just walk away and we still talk. We're still good. Those are not offensive conversations. Now, someone else can do those.

ESTRADA:

Yeah. How about between City Manager Santillan and Mayor Robertson, specifically. Have you ever seen him communicate, in any way, towards Mayor Robertson that gave you concern?

TRUJILLO:

I can speak freely?

ESTRADA:

Yes, please.

TRUJILLO:

Since day one that Fernando... Look, I've been here five years. I own a lot of property here in Selma. My whole purpose is to change the culture of this community to better it for the future. If you go back, we had one city manager sue us because the mayor threatened him. We had to pay him out. We paid him out. When Councilwoman Blanca Navarro and Bev Cho were elected, their first meeting was sitting here in a closed session, and he got up, and he made them cry for about an hour and a half. We had hired a manager to sit there for almost six months, because we had a manager that was... We had done some changes and we brought a manager in. And the reason why I'm bringing this up is because you'll see the pattern. And this individual was the HR person for Fresno County for 30 years, well respected, and we hired him as an intern to find another city manager to do the process of hiring someone. Every week, when we would go in a closed session, he would attack him. And every other week, he would ask to fire him. We go back to the city council meetings and look, and you'll

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see, in open session, he's yelling at him. Our process of hiring a city manager was sabotaged because the open dialogue that was going on in our meetings. So, what we did is, in-house, we said, "Okay, look, we need to find somebody that has some kind of ability to become a city manager." Fernando didn't have that experience, but we've seen that he brought in so much ability as a planning director, that we said, "Okay, look, what if we hire him as a city manager and understand he's going to fail, and give him some of the ability." The month that we hired him, from that month, from that week, the mayor would attack him in open session, even attack his race, and attack... And these open session meetings were so bad, but this has been the practice of the best meetings and the meetings, so it's been okay. I mean, it's always been. And the worst thing about is, the worst meetings have been in closed session, because in closed session, no one says anything. And I actually would stand up and say, "Wait a minute, this is an employee of ours, you cannot speak to them this way." And so, these dialogues would go on, but it was because in the past practice, they would allow them. We have two young ladies that I'm trying to explain to them that, "This is not proper dialogue for an employee. We can't be saying these things." But because in the past practice, lo and behold, now we get our city managers saying, "Hey, wait a minute, you not only offended me my race, you offended me in open session. You've done this." So, this has been going on since day one that he got hired. And my biggest fear has been that, well... And you asked me, what's your role as a elected official? The first thing elected officials should do is make sure that the sovereignty of Selma is clean,

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doesn't have no liability.

ESTRADA:

Okay. I want to unpack a couple of things that you said there.

TRUJILLO:

Sure.

ESTRADA:

You said in the past that there had been closed sessions where there was yelling for an hour and a half, and I think you referenced council members Cho and Mendoza. And was that Mayor Robertson that you were referencing or was that a separate mayor?

TRUJILLO:

No, that was Mayor Robertson.

ESTRADA:

Okay. And then...

TRUJILLO:

That was the first meeting they got elected, got sworn in.

ESTRADA:

Okay. And did you say anything when that was occurring during that meeting?

TRUJILLO:

So, I was sitting right here.

ESTRADA:

Okay.

TRUJILLO:

Our city manager, prior to Fernando, was right here. Actually, she was over there, that third seat, Bev Cho was here, Blanca Navarro was here, city manager there, myself, Scott, the mayor there, Sarah there, and then we had an attorney. They were just sitting there because we didn't have attorney at that time. We had just got rid of Neil Costanza. So, I was sitting right there, and I went from the meetings starting, their shoulders are here to this, their head, and they could just see water coming out. And the mayor, he stood up and he started, "And you guys..." Because they were trying to... Actually, we were trying to move on our city attorney. And he was just forcibly telling them things. And I could see their body nature, that I said, "Mr. Mayor, that sounds

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so gay, what you're telling these young ladies." And he looks at me, he goes, "Did you just call me gay?" These two started laughing, it broke their crying mode, and they both just looked at me, and he got so upset, and the meeting stopped there. He got up and said, "He called me gay." And he walked out. And we all just looked at each other. And it was so funny because that was their first initial meeting as an elected official. We had the meeting, we went in a closed session, it went haywire. And the only reason it went haywire is because Blanca Navarro had made a motion that she wanted to terminate or move to terminate, move on our city attorney. That was very bad. And we had seconded. And he said, "Let's go into closed session." We went into closed session and that's when it went crazy. And I had said that, and it turned out that he went... We hired an independent body to come and review what we had talked about. It actually turned out that the mayor said, "Well, John called me gay. That's an elected... You know I'm not an employee." And this and that. I said, "I didn't call him gay. I said, he sounds very gay. You're talking to women, you're not doing it right." This is totally unacceptable. So, we brought this attorney firm that came and did an investigation. He came in and met with us and said, "There's no grounds. And everybody came up with it. It came out." But the bigger picture of what was going on was, the pattern of an aggressive nature of the mayor. What happened was, he didn't have the majority no more. So, you see this pattern keep on, just getting louder and louder and louder. He went from our HR, the person we hired, Ralph Jimenez, is real loud, attacking him. That was our city manager. Then, Fernando, and he just

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aggressively kept on getting worse. But Fernando steps in and says, "Wait a minute." And then, one day, that Fernando, we go in a closed session because Fernando says, "Hey, you're violating my rights." So then, what does he do? "I'm going to sue you guys because you guys are violated my rights." And we can't get involved in that because that's personnel issues.

ESTRADA:

All right. Now, a couple of things there. You said, previously, that Mayor Robertson had attacked City Manager's Santillan's race in open session. How so?

TRUJILLO:

So, what happens is, we go back, an individual came and...

ESTRADA:

Is this concerning the Public Works employee discipline thing?

During that process, yes. During that time, an individual comes into the city... A resident comes, and she's always... Even I just got an email about two weeks ago and it says, "Councilman Trujillo just wants to bring his people." And she came on and she said... First, she said that, "I..." Something in regards to me. "I'm going to bring my people from my town, low lives." And then, she said, "I bet you don't even have a degree."

ESTRADA:

In open session?

TRUJILLO:

Yeah. And this is where Fernando said...

ESTRADA:

Did she direct that to you or to-

TRUJILLO:

To Fernando. And Fernando's, in closed session, the following meeting said, "Mr. Mayor, you stop everyone else. I'm an employee, you should have stopped her from going." Because she ramped on. I don't remember the exact words, but she ramped on about him, and it was in his form of a race. And he brought that up to us in closed session, and I was kind of looking and I

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said, "I mean, as an elected official, you should stop him, stop her, or stop anyone from directing anything towards our manager." And that's what it was.

ESTRADA:

Got it. So, this was through a third party? Did-

TRUJILLO:

Yeah, third party.

ESTRADA:

... Mayor Robertson say anything directly race-related about Mr. Santillan on the record, in open session?

TRUJILLO:

No, not in open session.

ESTRADA:

Okay. And then, after the discussion was had in closed session, did Mayor Robertson change his practice or do anything to address the issue?

TRUJILLO:

No. There's been so many in closed sessions that he has gone out of his way. One of them, he looks at Fernando in closed session and says, "Look, I'm going to make sure that every city around us knows that you can't handle me yelling at you. I'm going to make sure you never get hired." This is in closed session, telling him this. And I'm looking at, "You can't say this to an employee."

ESTRADA:

Another clarifying question, the split on the council, I would imagine, it's you, Council Member Mendoza and Mayor Pro Tem Cho.

TRUJILLO:

Yes.

ESTRADA:

I guess, what is this-

TRUJILLO:

Why is there so much of a split?

ESTRADA:

Or what is this? Is it based on politics? Is it based on... What?

TRUJILLO:

Bev Cho has had a restaurant, a Chinese restaurant for 60 years. When I moved to Selma, two years after I moved to Selma, and

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after the mayor came and asked me to get involved. She came and asked me to join the Lions Club. I joined the Lions Club, prior to that. Why? I guess, people found out that I was helping a PG&E fundraiser. I was doing things right. She's been a mentor to me. Why did she run? Because prior to that, she would see that the meetings were always heated. When we were at three, two, prior to... And I say three, two, because we don't actually vote all our way. We have a goal to better our community. We have a vision. So, prior to Bev and Blanca being elected, I and another individual would vote to try to change our policies, to build our community to a better way. The mayor and his sister-in-law and someone else would vote no. Well, when Bev Cho and Blanca Navarro got elected, they got elected and asked me, "How can we..." We haven't had development built in Selma for 12 years. And we know that we need infrastructure. And everyone's talked about it, but nobody's ever made up. So, when you ask, what's the difference between them and us? I can only tell you, on my behalf, and I can see it on theirs, we're not here for a personal game and we're not here for a personal eagle, we're here and we're sticking to the vision of, we want to bring infrastructure, we want to bring a change of a culture that allows our city manager to manage and we don't get involved. I have a life, I retired last year, I only have 5%, which is being in politics, but my job is come here, make the policies, give it to Fernando, go with it. That's my job. So, when you say, what's the difference? That's the difference.

ESTRADA:

Okay. All right. City manager's Santillan's performance evaluation in December of 2022, were you present for that?

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TRUJILLO:

Yes, I was.

ESTRADA:

And what was the interaction or the back and forth with Mayor Robertson and City Manager Santillan?

TRUJILLO:

I think that's when he told him that he was going to tell everybody else that he couldn't handle it, he couldn't handle his conversation, like the hard conversations.

ESTRADA:

And how did Mr. Santillan respond to that?

TRUJILLO:

Fernando has never raised his voice. He just sits down and documents things.

ESTRADA:

Okay. And was he doing that during that meeting?

TRUJILLO:

Yes, he was.

ESTRADA:

Did you all go around, like give what the rating would be?

TRUJILLO:

We found out that there was no structured rating, so that meeting was more about setting the structure of how we're going to start evaluating. We found out that the previous managers had never been really, truly evaluated. And the biggest point was we were trying to figure out how can we evaluate an individual with not having a structured plan. So, everybody just started talking. And at that time, the mayor and his sister-in-law, it was all just personal, and it was all negative personal on their behalf.

ESTRADA:

And who was the mayor's sister-in-law?

TRUJILLO:

Sarah Guerra.

ESTRADA:

Okay. Councilwoman-

TRUJILLO:

Councilwoman Guerra.

ESTRADA:

Okay. Okay. Did anybody give him unsatisfactory rating, if you know?

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TRUJILLO:	I don't remember.
ESTRADA:	Okay.
TRUJILLO:	I don't remember. I can't answer that. I don't remember.
ESTRADA:	Okay. All right. Now, getting to Mayor Robertson's complaint, have you reviewed it before, that he submitted against-
TRUJILLO:	The three-page letter?
ESTRADA:	Yes.
TRUJILLO:	Yes, I read it.
ESTRADA:	Okay. What did you think when you first read it?
TRUJILLO:	It's all opposite.
ESTRADA:	What do you mean?
TRUJILLO:	Everything he's stating that the city manager disrespected him and... Everything he's got there is what he does to the city manager.
ESTRADA:	Okay. Part of the complaint discusses his contention or belief that the city manager, at various points, has tried to leverage, so to speak, the renewal of his employment agreement. Did you ever share that feeling?
TRUJILLO:	Leverage?
ESTRADA:	Yes.
TRUJILLO:	Okay. Since he's doing this to me, we need to secure his contract?
ESTRADA:	Correct.
TRUJILLO:	No, never.
ESTRADA:	Okay.
TRUJILLO:	There's none of that dialogue. There hasn't been, from my part.

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ESTRADA:

Okay. Yeah. And then, one allegation here on the second page, consider the difference between how I responded to the situation at the April 18th council meeting, and how the city manager has repeatedly threatened me in order to leverage the city council majority of three, for a more favorable employment agreement.

TRUJILLO:

We went through this process, right? And one thing I asked our city attorney was... Let's go sentence by sentence on this allegation. Can you please give me dates and times that this occurred? Because here's the catch. Since the mayor has been in office, that Fernando's been a city manager, Bev Cho has signed all warrants. The mayor, in the past, used to sign them. And the mayor made it very clear, prior to all of this, "I don't want to meet with you. I'm not going to meet with you", to the manager. So, what I was saying was, "Okay, you don't sign the warrant, you don't come to the city hall. Where and when did this occur? Because when I've been in this closed session and open session, I have only seen you attack the city manager. I have not seen... So, if you're saying that you don't want to meet the manager and you're not going to sign the warrants, when is he going to come to the city hall?" Go back. Look at the date, the city manager. The date Fernando became the city manager, Bev Cho has been coming and signing all the warrants, all the checks. Every week. Okay, that's a one. Number two, if the mayor says, "I'm not going to meet with you", where did this happen? Give me a time and date. And I said, to every one of them, my biggest fear was, wait a minute, if he's saying these things, give us dates and times when this occurred so we can go back and kind of at least remember where we were at. When did this function happen? What

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ESTRADA:

meeting? What special meeting? Or was it all just on in public?

Okay. Another question I need to ask, just because portion of Mayor Robertson's complaint on page three, again, references this idea of seeking to get a more favorable employment agreement by Mr. Santillan. And then, also, he says that he's used threatening emails against Mayor Robertson to leverage his demands against the city council majority. Have you ever felt that Mr. Santillan was threatening, either in emails or discussions, to try to leverage a better agreement?

TRUJILLO:

I asked our city attorney to please provide all the emails because when we hired this attorney, one of the things Fernando's contract stated, no direction can be done other than the DIAS. Okay? And we asked our city attorney, what emails? Where's the emails at? Where's the information that the mayor is contending, that this occurred? Or we asked him, in closed session, can you bring up the emails? Because we're a body of five. Whatever he sends you, we should be able to get it.

ESTRADA:

You're probably going to be copied on the vast majority of it, I would imagine.

TRUJILLO:

I mean, if he's threatening you, we would be able to see that. I mean, you guys, we all know, we're in computers. I mean, if this email was sent, can you produce it to us so we could know? Because I'll tell you what, if somebody's complaining about something, time, dates, and give me the emails.

ESTRADA:

You mentioned something about Fernando's contract having a clause that says that, no direction can be given through email.

TRUJILLO:

No. In our last contract, we felt it very important that Fernando

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would take direction from the city council, from the DIAS. We actually put that in his contract, and we did that because we felt it too important that in the past, "Oh, I'll pick up the phone." "And hey, can you do this for me?" "Oh, he's not doing it." "You see? He's not doing it." No. We said, "No, you're only going to take direction from the DIAS." You make a vote, we have our meeting, and that's what you hear, that's what you're being evaluated by. Those are things, those are directions that come from a majority of the council, right? Once it gets, that's it. Because we felt that it was getting... Well, prior to that, he's not answering my emails. And we had asked Fernando, and he says... He won't talk to me. What emails are the...

ESTRADA:

So, this is the new contract, the one that was just executed?

TRUJILLO:

Yes. Yes.

ESTRADA:

When do you recall, approximately, when that was ratified?

TRUJILLO:

It was ratified the time we gave him his evaluation. I don't know the date.

ESTRADA:

Okay. This year or last?

TRUJILLO:

This year.

ESTRADA:

Okay. And was that placed on an agenda and discussed at a council meeting?

TRUJILLO:

Closed session-

ESTRADA:

Closed session, got it.

TRUJILLO:

... then come over outside, and approved in open session.

ESTRADA:

Okay.

TRUJILLO:

And has that addition to the contract improved interactions

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between Mr. Santillan and the mayor?

TRUJILLO:

I don't know if there's interactions. I know that, because of this going on now, the mayor now is talking to him. I only need to say, the mayor is talking to him respectfully.

ESTRADA:

Okay.

TRUJILLO:

And it's just happened these last two, three weeks.

ESTRADA:

After you first read the complaint we've been talking about, from Mayor Robertson against Mr. Santillan, did you ever discuss it directly with Mayor Robertson?

TRUJILLO:

Never.

ESTRADA:

And why not?

TRUJILLO:

He would never speak with me.

ESTRADA:

Okay.

TRUJILLO:

He's actually just started speaking to me last week.

ESTRADA:

And how long did that go on for, where he wasn't speaking to you?

TRUJILLO:

Since I was elected. Let me say this to you. I opened a restaurant in 2014 here in downtown Selma. I bought a building in Selma, and I didn't know the politics in Selma. I bought a building in 2008, downtown. I bought that two buildings, and he was in the council. And he and his wife would come to my restaurant and talk to me, and they were very friendly. The reason why I decided to run... I saw myself, I would never run for politics. The reason why I ran was because the mayor and his group were ousting our chief of police. And my wife said, "Hey, can you help?" "What's going on? This tells craziness." The day I ran, the day I decided

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to put papers in, to run for city council, they stopped talking to me. Even if I would go on, "Hi, Mr. Mayor", they'd just look at me, mean. And I was like, "Whoa." And that's the way it's been. All of a sudden, it became, them against me. And I say this because I don't have no ill feeling. I don't know anybody. I moved to Selma in 2000. So, to say to you, in regards to that question, we've never been able to have a dialogue where... I understand, in politics, it's the art of persuasion. I have a feeling, I have an ability for this policy, I want to change it. Here are my reasons, this is why I want to change it. We can't have that dialogue. It becomes personal.

ESTRADA:

Okay. I mean, I guess, just the differences, how do you see it? Is it just like a power play thing, for the majority-

TRUJILLO:

It's a major power play and it's a major eagle. I have to be respectful and tell you guys this. I've actually looked and said, "If you had the majority, how do you want to better this community?" He doesn't understand municipal government. He doesn't understand that you need infrastructure. He doesn't understand that economic development entails general plan amendments. He doesn't understand that part, and I don't think he wants to, because he just wants to be the mayor. And that's where we have a problem with our city manager, because our city manager's being told, "Here are the policies, you are to [inaudible] them." If a developer wants to develop in Selma, they need to come to the city hall. They don't go to his office. And that entail is a major problem to him. It is a major problem. And that is where the conflict has been. And it is very bad. If you go back, you want to talk about consistency and inconsistencies. Go

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back, watch the meetings, you'll notice that you're just very insulting, aggressive. Blanca Navarro, Mendoza-Navarro asked to bring a handbook back to our city council, to establish that there has to be some rules, some respect. And that's where we've been. That's where we're at.

ESTRADA:

Okay. And then, is everything along the split, the 3-2 split of the ways, is there anything where there's been-

TRUJILLO:

No, there's a lot that gets... Right now, there's a lot. We supported a bonding measure to bring in infrastructure to our community. They voted no. We did an analysis, a wage analysis. We did a wage analysis last year for our entire city staff. They voted no. I found out that our city staff hadn't gotten a raise in 10 years. We had police officers losing homes. They hadn't got a raise in 10 years. Once we did the wage analysis, they voted no to give our police officers, raises, and the reasons why was because they felt that a 28-acre park that was going to cost us about \$28 million was more important. And we had about \$32 million in reserves. That's a fundamental difference of what... And I respect that, but because we approve the wage analysis, we approve giving everybody raises, because we approved all this, they went on attack mode and she went on attack mode. And Mr. Santillan took the brunt of that. Those are fundamental differences and those are challenges that... That's why I feel that you don't have an understanding of what they're really looking. I wish I could understand it, so I can give a little bit away and just say, "Hey, let's work together." Working together is one thing. Respecting our employees and letting them work in environment is another. And that's where we have a clear difference of opinion. Myself,

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ESTRADA:

personally.

Okay. I don't know that I have much more. But just with regard to Mr. Santillan, I mean, have you ever seen him... I know you've said, he's never raised his voice, never, but have you ever seen him react, in any way, to Mayor Robertson in a way that's unprofessional?

TRUJILLO:

I have to say this. If the mayor would've attacked me the way he's attacked the city manager... There's been days where I just said... I bring a prayer. I don't go to church, but I bring a prayer thing because I'm like, "I have to hit it, sometimes." Because I just don't understand how the city manager has the ability to just sit there and just take it. And I want to say this, two weeks prior to the election of this last year, I sat up here, and the mayor, for about 20 minutes, berated me and said, "Councilman Trujillo is not a man. Councilman Trujillo's not this. Councilman Trujillo..." For about 15 minutes. And I just put my head down, and I was listening. I was reading this prayer and I turned and looked at... And I can honestly say that, when I went back home, I told my wife, "Now I understand how the city manager feels when the mayor attacks him in open session." Because it is bad.

ESTRADA:

Okay. I don't have anything further. Sonia or Alexa, do you have any follow up?

TRUJILLO:

No, thank you.

ESTRADA:

Okay. Alexa?

GALLOWAY:

Yeah. I have a quick question. Council member, you said the mayor has been openly aggressive in open session, is that right?

TRUJILLO:

Yes, I have. Yes. Yes.

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GALLOWAY:

Can you point to, I know it's hard, like a month and a year where, in open session, he behaved in a way that you found it aggressive?

TRUJILLO:

I can't give you months and dates, but I know that I can give you meetings and I can give you times because there's been so many people... There's actually a YouTube show of two individuals in our community that will go on and tell the community, "Did you guys watch this media on this point, on this time? And this time, the mayor went off on the city manager, went off on Councilman Trujillo, went off on Councilwoman Blanca Navarro." There are so many on YouTube, there's so many meetings that I could go and give you dates and times as to the aggressiveness, and you'll see the aggressiveness. And the thing about it is that... And it always has come back to me, to be told by the mayor that, "Hey, he needs to have thick skin." Or "Councilwoman Blanca Navarro, you need to have thick skin." Because Blanca was there. You can't be saying this. "No, you need to have thick skin." No, it's not. This is a violation of an employee's rights, what you're doing. So, I could've get you those dates and times.

ESTRADA:

That would be helpful.

TRUJILLO:

Yeah, I could get you those dates and times.

ESTRADA:

We can reach out to you-

TRUJILLO:

It'll take a little bit because I'll have to go back and do the meetings.

ESTRADA:

Yeah. No-

TRUJILLO:

I have to go back and remember which dates, which ones they... They're there.

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ESTRADA:

That'd be incredibly helpful if you could do that for us.

TRUJILLO:

Yeah. I have actually a couple of past council member would send me a text saying, "Hey, man. Wow." And it would all pertain to our city manager.

ESTRADA:

Okay. Well, we can send you an email, and then maybe if you can just send me something.

TRUJILLO:

Sure. I'll learn how to do the... I know that you can video, keep it, and just send it to you, and you can read or see that, that video.

ESTRADA:

That would be great. We can send you a Hightail link or whatever, if you need. Or a HighQ link. Okay. Anything else? Okay. Well then, I'm going to give you the closing admonishment now. Thank you for your cooperation and participation here today. I'll remind you of the continuing request that you not discuss the nature of the investigation, the substance of our interview with anyone, because it's an ongoing, confidential administrative investigation. Please do not do anything that may be construed as interfering with it, and do not retaliate against any other city employees or witnesses involved in this matter. And if you feel that you're retaliated against for your participation here today, please immediately report it to Human Resources. Thank you again for your time today. We'll be going off tape. The time is 12:55 PM.

End of interview.

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**CONFIDENTIAL INVESTIGATION**

**CITY OF SELMA**

**RE: INAPPROPRIATE CONDUCT**

**Interview with Blanca Mendoza: on August 11, 2023**

ESTRADA

Okay, we are on tape. Today's date is August 9th, 2023, and the time is 11:01 AM. We are appearing here in person at the City of Selma City Hall in a conference room. My name is Alfonso Estrada. I'm an attorney with the law firm Hanson Bridgett. I'm joined by my colleagues, Sonia Salinas, seated here with me, and Alexa Galloway, appearing on WebEx. You've been identified as a witness only in the investigation, Council Member, so just know that. And also the general nature of the allegation relates to allegations from Mayor Robertson, that the city manager has engaged in inappropriate conduct towards him in his role as a city manager, and I guess involvement with Mayor Robertson in his capacity as the mayor. Before we go any further, though, I'll ask everyone in the room to state their full name for the record and spell their last name for the purpose of accurate transcription. I'll begin. My name is Alfonso Estrada. My last name is spelled E-S-T-R-A-D-A.

MENDOZA

My name is Blanca Mendoza. Navarro, M-E-N-D-O-Z-A, hyphen Navarro, N-A-V-A-R-R-O.

ESTRADA

Thank you.

SALINAS

My name is Sonia Salinas. Last name S-A-L-I-N-A-S.

GALLOWAY

Alexa Galloway, Galloway is G-A-L-L-O-W-A-Y.

ESTRADA

All right, again, Council Member, you've been identified only as

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a witness. You're not a subject of the investigation, but your cooperation is appreciated and will assist us in gathering the information we need, we hope. At the conclusion of the interview, I'll request that you maintain confidentiality of the nature of the investigation and the substance of our interview. Furthermore, you'll be asked not to interfere with the ongoing investigation into this matter for the purpose of maintaining the integrity of our work. Additionally, you'll be asked not to engage in any conduct that could be deemed retaliation against any other City of Selma employee or witness involved. And if you feel you're retaliated against for your participation here today, please immediately contact and report to human resources.

MENDOZA

Okay.

ESTRADA

If at any point you need to take a break, we can. Just, if there's a question pending, I'll require you to answer that before we take that break. And with that said, do you understand all the admonitions I have just read to you?

MENDOZA

Yes, I do.

ESTRADA

Okay. And Council Member Mendoza-Navarro, can you please first, in what capacity do you work for the City of Selma?

MENDOZA

I'm a council member for the District three. I'm sorry, district one council member. I was elected in November of 2020.

ESTRADA

Okay. And what is your role as council member of district one entail?

MENDOZA

Basically overseeing the policies and procedures of just the area, just making sure that whatever needs we have in that area get met. And then also in communication with the city manager,

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	whatever issues that I feel need to be brought up, talk to him. And then of course, a policymaker for the city and hearing just as general council member.
ESTRADA	Okay. And the city manager, was it Fernando Santillan when you joined?
MENDOZA	No, it was a different city manager.
ESTRADA	Who was it?
MENDOZA	Teresa. Oh my goodness, I don't remember her last name. Teresa? I don't remember her last name. Galavan.
ESTRADA	Galavan?
MENDOZA	Yes.
ESTRADA	And when did-
MENDOZA	Galavan, Galavese, something like that. I don't remember.
ESTRADA	Okay.
MENDOZA	So sad.
ESTRADA	When was there a change in city manager?
MENDOZA	It was probably a few months into my, I want to say maybe 2021. I want to say maybe April, May of 2021 is when she separated.
ESTRADA	Okay.
MENDOZA	And then we had an interim city manager. His name is Ralph Jimenez. And then we were recruiting for a city manager. And so we hired Fernando Santillan.
ESTRADA	Okay.
MENDOZA	I want to say it was in December, maybe, of 2021.
ESTRADA	Okay.
MENDOZA	Or roughly around there.

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ESTRADA

Okay. And did you play any role in his selection as city manager?

MENDOZA

Yes.

ESTRADA

Explain that.

MENDOZA

We went through the course of interviews, the application process. And so out of the candidates, we interviewed all the candidates. Actually, I'm trying to think. I believe it was the interim city manager that brought it forward and let us know who all was in the pool. And then I believe some of them actually fell out of the pool. And so he did bring on board Fernando as one of the candidates. And so with the qualifications, we, you know, made a selection.

ESTRADA

Okay. And who else was on the council with you for that selection? Would it be the same composition?

MENDOZA

The city council.

ESTRADA

Okay.

MENDOZA

Yes.

ESTRADA

Did Mayor Robertson express any opinions that you recall during the selection process?

MENDOZA

No, we were all in favor. I believe, if I recall, we were all in favor of the appointment because Fernando was new to the city. He was the community development director. And so he just showed a lot of ability to be able to do this role, even though he may have not had that experience, just what he brought to the table in the short time that he was here, he really proved himself, that he could do this job

ESTRADA

And how long-

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MENDOZA

... city.

ESTRADA

How long had Mr. Santillan worked as the community development director prior to his-

MENDOZA

Prior-

ESTRADA

appointment at the CM spot?

MENDOZA

I know it was less than a year, maybe nine months. I'm not 100% sure.

ESTRADA

Okay.

MENDOZA

I've only been on council for three years, but I feel like a lot has happened within those three years. So it just seems like maybe it was longer than that. But yeah, it was a short period that he was on board.

ESTRADA

And had you held any other prior roles, either with the city council or with the City of Selma?

MENDOZA

No.

ESTRADA

And then what roles do you hold outside of your position on the city council?

MENDOZA

I am a housing programs compliance manager for Madera Housing Authority. When I first started, I was with Fresno Housing Authority as a compliance analyst. I'd been there for 23 years. And so now I moved over to Madera about a year ago. I also am a parishioner at Selma Catholic Church, but also, I'm part of the Catholic Women's Club there. And then just various prayer groups I'm associated with. And that's pretty much, it's work, church, and city.

ESTRADA

Okay. Did you know City Manager Fernando Santillan before he

1		went through the appointment process?
2	MENDOZA	No. Other than him being an employee of the City of Selma, no.
3		I didn't know him.
4	ESTRADA	And then how has your relationship with Fernando Santillan
5		developed since he became the city manager?
6	MENDOZA	We have a really good working relationship. We have a standing
7		meeting every Monday before council meeting, and so any
8		questions and concerns that I have, I address those to him. And I
9		can, just basically, if I have anything that I need to talk to him
10		about, I can just shoot him a text, or call them up and say any
11		questions A, B, C, what have you. But I have a really good
12		working relationship with him.
13	ESTRADA	Does his position serve at the pleasure or the will of the city
14		council?
15	MENDOZA	The whole city council, yes.
16	ESTRADA	Okay.
17		
18	MENDOZA	As a body, it's not like one individual council member.
19	ESTRADA	All right. And then his employment agreement, what's the
20		current status of it, if you know?
21	MENDOZA	It is active, and I believe we're in a seven year contract with him.
22	ESTRADA	Okay.
23	MENDOZA	We just renewed it in December. No, I'm sorry. It was in January,
24		February. We just renewed it to the seven with the potential
25		eighth, I believe.
26	ESTRADA	February of 2023?
27	MENDOZA	2023, yes.
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ESTRADA

Okay. And your relationship with him, is it strictly professional through your work with the city or any social outside of work?

MENDOZA

Oh, no, just with the city other than social events that have to do with the city.

ESTRADA

Sure.

MENDOZA

Yeah.

ESTRADA

And then what is your understanding of the city manager's role in relation to the city council?

MENDOZA

The city manager runs the city, and the city council is, as a body, are his boss, basically. And so we set the goals and whatever priorities that we have as a body or as a majority, for him to set those out. But basically he's a day-to-day person that runs the city.

ESTRADA

Now, as far as personnel decisions, what is your understanding of the city manager's role in personnel decisions? Well, I guess we could start there. What is his role over personnel decision?

MENDOZA

He basically hires, and disciplines, and fires his employees and anything that, if we have something that we have to talk to the employees about, we go through him. At least I do. I go through him if I have question, concern, or something that I need, public works, I'll call him up and say, "Hey, this stop sign is down. Can you get ahold of somebody?" Or whatever it is. But he's the one that is the employer or he's basically the boss of everyone under him.

ESTRADA

Does the city council play any role in personnel decisions?

MENDOZA

No. Not that I'm ... Other than, I know if something comes through to us from the personnel commission, then we have a

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decision to make there. But other than direct, we don't have any of those.

ESTRADA

And what sorts of things would come to the city council through the personnel commission?

MENDOZA

That part I'm new about, but I know if there's any disciplinary actions, if there was something that went through, recently we had something that went through an arbitration, but it was like police matters, if there's an officer that was fired, then it typically would go to the personnel commission, my understanding. But we just changed it to where it went through the arbitration. But that's basically when it comes to us is at that point, if there's any decision that we have to make aside from, what is it called, it's like upholding whatever-

ESTRADA

Advisory arbitration?

MENDOZA

Yeah, advisory, yes.

ESTRADA

Okay.

MENDOZA

Yes, thank you.

ESTRADA

To the city council.

MENDOZA

To the city council.

ESTRADA

Okay. All right. Now, Mayor Scott Robertson, how long have you known him?

MENDOZA

Let me see. Probably for a while. We go to the same church, so I've seen him and I've known him maybe 10 years or so.

ESTRADA

Okay. And how would you characterize your relationship with him?

MENDOZA

I'm being honest, right? Before I ran for office, it was good. We

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	saw each other at church, said hello, all of that. And then once I ran for, or once I said I was running for office, it changed.
ESTRADA	How so?
MENDOZA	It was never the hi anymore. It was just, it was not a friendly ... I could feel the friendliness was not there anymore.
ESTRADA	Okay.
MENDOZA	and I let it go, because I thought, "Oh, well. I don't know what the political world is about, so I'm just coming in." And that was pretty much, that was the change that I noticed right away.
ESTRADA	Are your politics different?
MENDOZA	I don't have any politics, so I don't know what, like the question, I'm not sure how to answer that question. Because I'm-
ESTRADA	I guess-
MENDOZA	...not very-
ESTRADA	The question is, is there a split on the city council?
MENDOZA	Yes, there is.
ESTRADA	And what's the split?
MENDOZA	The split is usually the three-two.
ESTRADA	Okay.
MENDOZA	And it's not because we don't all have the same goals. I think that it is, is that we are more passionate, and well, at least my vision, my vision is to move the city forward. My vision is to look at the whole picture. As a compliance person, I'm compliance. And I've said that over and over. When we do council meetings, is, "I'm not looking at this as a political stand, I'm looking at this as a policy. I'm looking at it as what is it going to cost the city? Is

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there going to be any liability to the city? I'm looking at the whole picture. I'm not looking at this is going to benefit me or this is going to benefit anything personal. It's more of policies." And I've said that, like I said, over and over. I read things through a compliance lens.

ESTRADA

Okay. And then just as far as the split, whether it be Democrat, Republican, conservative, progressive, whatever it may be, who falls where on the three-two?

MENDOZA

On the three-two, it would be Council Member Trujillo. I'm sorry. Yeah, Mayor Pro Tem Cho, and myself.

ESTRADA

And then the other side?

MENDOZA

And then the other side would be Mayor Robertson and Council Member Guerra.

ESTRADA

Okay. And who is, is it Trujillo, yourself, and-

MENDOZA

Mayor Pro Tem Cho.

ESTRADA

Cho. Thank you. Okay. All right, now getting into the substance of what we're here for, right?

MENDOZA

Mm-hmm.

ESTRADA

Mayor Robertson and City Manager Santillan, knowing, and we talked a little off record that you've reviewed the complaint that we have in front of you, here. Where did all this come from? Where did it start? If you could pinpoint anything?

MENDOZA

I think it goes back even just further than with Santillan. I think it goes way, way back. And I don't know if I'm able to-

ESTRADA

Please.

MENDOZA

The previous city manager that was here I think three or four city

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managers before, there was a, I think it was Ken Grey, is who was the city manager at that time. There was a contract that was a confidential contract where there was already, they couldn't have that conversation. With me, I'm trying to think back. I'm not sure what their relationship was as far as when it got split or anything like that. But he was doing a really good job and Fernando does his job. And he doesn't favor one over another council member. And I'm not sure if that's what the mayor's not used to. And how can I say, I don't want to ... I'm trying to think of the word that I want to say. I can't think of a word, but basically it's ... Let me go back. My experience with Mr. Robertson or the mayor is my very first council meeting. He verbally attacked me during our closed session and it pretty much started from there. And I went to the HR, or not HR, but to our counsel or to our attorneys thinking that I could file a harassment complaint or what is it called where the environment is hostile, like a hostile work environment?

ESTRADA

Hostile work environment.

MENDOZA

Yeah. And I was told that I'm not a city employee, and so I don't have the same rules. I'm thinking like in private, "I have retaliation, I have protections, I have harassment protections, I have all of these protections." And so I thought, "Okay, fine." So I just said, "Okay, I know what my role is. My role is a council member. I'm not," what do you call it, "subject to the protections as a city employee or any employee, basically." And so that was, I think, another point where the relationship has just been split since the beginning. And I feel that that's probably where the split has always happened. Can you repeat the question?

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ESTRADA	Yeah, just-
MENDOZA	Because I feel like-
ESTRADA	No.
MENDOZA	... you-
ESTRADA	It was good. It's good context.
MENDOZA	Yeah.
ESTRADA	But what you described, did that occur before Santillan was appointed?
MENDOZA	Yes, that was before Santillan was appointed. And so the reason why I brought up the other Ken Grey is my understanding, and reading, and just, of course you hear things in the community, is Mr. Grey was not able to do his job as a city manager without the mayor trying to dictate what needed to be done. And I feel that in Fernando's role, I understand what his role is. And I feel like the mayor is not letting him do what his job is as city manager. The mayor does not have any ... It's more of a ceremonial type of role. It's not, "You have to do this or you have to do that." And I feel like Fernando's trying to do his job the way he's supposed to and running the city the way he's supposed to. And I feel that in just the past it hasn't been, the mayor's been used to doing things where he's running the city, where it's not. And when I first got elected, there was a lot of resolutions that came up that was trying to give the mayor more duties. And so there was a lot of things that ended up shooting. Well, we ended up voting them no, because there was, "Why are we changing the role of the city?" The city is a city manager, council form of government and not a mayor strong government. And so there

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was things in the beginning that alluded to changing the policy to that, and of course that didn't pass. But I feel like there's just so much more history with personally, but at the same time, I want to make sure that what I'm saying is fair, because I do feel that the roles are not ... One person does not understand what their role is. And basically the mayor does not understand that we're not the ones that run the city. The city manager is the one that runs the city. And I feel like the city manager, that's what he's trying to do is, you know, do that.

ESTRADA

Okay. A couple of clarifying questions.

MENDOZA

Yes.

ESTRADA

The mayor spot, is that rotated or is that a specific elected position?

MENDOZA

In 2020 it changed, and it's an elected position now.

ESTRADA

Okay.

MENDOZA

It used to be rotated.

ESTRADA

Was that one of the resolutions that you're describing?

MENDOZA

In 2020, the resolution came. That was prior to me, that the resolution came aboard prior to me coming on board. And it was voted in by the citizens in 2020 whether, "Yes, they wanted to have an elected mayor. And if so then who do you want to elect?" And so that did go before the citizens. But I want to say it was the first meeting or the second meeting, I believe it was the first meeting. There was some resolutions in there that alluded to the fact that there was going to be changes in the mayoral role because now it was a elected mayor.

ESTRADA

All right. Then after Santillan was appointed in December of

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	2021, when did ... Well, did you notice any kind of tension or incident that-
MENDOZA	There was up until the point where there was an employee that was let go or not let go, I'm sorry. He was demoted. And at that point we had basically-
ESTRADA	Was it-
MENDOZA	... citizens-
ESTRADA	Was that the public Works director?
MENDOZA	Public Works director, yes, got demoted. And we did have a full house that day when word got out that he had been demoted, or was going to be demoted, or something, but there was a whole room full and just saying ... And there was one specific citizen that was being derogatory, and was being just offensive. And at the time I didn't think too much of it until afterwards I did feel like, "Oh, shoot, we should have probably stopped her and told her that was enough because it was being attack-y."
ESTRADA	What was the public works director's name?
MENDOZA	Shane Ferrell.
ESTRADA	Shane Ferrell. And why was that being discussed? Was it on the city agenda?
MENDOZA	No, it was not.
ESTRADA	Okay. Then do you know how it came to pass that it was a-
MENDOZA	It was a-
ESTRADA	... personnel-
MENDOZA	... through-
ESTRADA	... third party personnel matter would be discussed like that?

1	MENDOZA	There was oral communication. And during oral communication
2		the citizens came in and were advocating for this not to happen.
3		How it got out, I have no idea.
4	ESTRADA	Okay. And then just a couple followup questions on that. Did the
5		public works director have disciplinary appeal rights that were
6		still outstanding?
7	MENDOZA	I'm not sure.
8	ESTRADA	Okay.
9	MENDOZA	I'm not sure where we were in the stage of all of it, but I recall
10		that that was one of the meetings that just everybody came in.
11		And again, I'm sitting up there, I'm thinking, "How do these
12		people know anything?"
13	ESTRADA	Yeah.
14	MENDOZA	That's just my thought. Again, compliance. And I'm thinking,
15		"How do these people know anything?" That's not something
16		that even us as counsel have.
17	ESTRADA	Yeah, that was going to be my next question. Were you-
18	MENDOZA	Yeah, we don't have any-
19	ESTRADA	Were you briefed on the grounds for the discipline before that?
20	MENDOZA	Not at that time.
21	ESTRADA	Okay.
22	MENDOZA	I don't recall it being at that time, any of that. I don't recall. Yeah.
23	SALINAS	Did it happen later?
24	MENDOZA	I'm trying to remember when it happened, exactly.
25	ESTRADA	Probably be like a discipline dismissal or something, right? A
26		closed session item, if anything?
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1	MENDOZA	It may have been. Yeah, it had to have been a closed session item,
2		but as far as that it was going to be like a demotion, I don't recall
3		when exactly it was, but I do recall that the citizens came in and
4		during oral communication, they were just advocating for him.
5		And it might've even been ... Yeah, I think it was a demotion. I
6		don't think it was that he was going to be let go.
7	ESTRADA	Do you recall approximately when that meeting was?
8	MENDOZA	Oh, gosh.
9	ESTRADA	It might have be detailed in the complaint.
10	MENDOZA	I'm not sure if it was in here. I don't recall.
11	ESTRADA	Okay.
12	MENDOZA	I try to just-
13	ESTRADA	I see some reference to April 4th, 2021, but I think that's a ...
14		Alexa, is that a typo on-
15	MENDOZA	... this is-
16	ESTRADA	... exhibit one?
17	MENDOZA	... actually on page two.
18	GALLOWAY	Yes.
19	ESTRADA	Sorry?
20	MENDOZA	No, I'm looking at page two, the last paragraph. It actually
21		references the demotion of the 20 year veteran, but I don't recall.
22		It might've been April '22.
23	ESTRADA	Okay.
24	MENDOZA	No, I'm not sure.
25	ESTRADA	Just with regard to the content of the comments that were being
26		made, were they derogatory?
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MENDOZA

Yes.

ESTRADA

In what way?

MENDOZA

It's on video, but basically that the citizen mentioned something about that they didn't want it to look like Parlier, and it was more of a ... I'm trying to think if it was saying about the ethnicity. I know it was, afterwards, I thought about it and I saw, "Yeah, it was not okay for that citizen to say. We should have stopped it because it was being directed to the city manager and we didn't stop it."

ESTRADA

How did you interpret the reference to Parlier? That they didn't want it to be-

MENDOZA

Well-

ESTRADA

... like that?

MENDOZA

The citizen is, I guess I could say, right, she's Caucasian. And so she basically was referencing, because Parlier is more a Hispanic community, and so it was more of a ghetto kind of reference is basically what it could have been interpreted as.

ESTRADA

Okay. So then what about that incident, if anything created any issues with Mr. Santillan and Mayor Robertson?

MENDOZA

City Manager Santillan actually brought it forward to us in a closed session to let us know that how he felt, and basically, I guess you could say putting us on notice, that said, we need to make sure that we address ... basically to protect him. And I did feel the same way afterwards. I thought, "You know what? We didn't protect him. We should have stopped that citizen from saying anything. Because our job is to protect our staff and our staff is city manager and the city attorney." So there was, I can't

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remember if it was at that time right after that, there was a clause that was put to make sure that the mayor was reading to direct all comments, questions, or what have you to counsel and not to staff. So something did come out of that. I can't remember how shortly after that, but basically shortly after that, during our meetings now there is a clause that's read that says, "Any," and Mayor does try to make sure to direct comments and questions to counsel, and then we say, "Okay, you go ahead and answer," or what have you.

ESTRADA

How-

MENDOZA

Go ahead.

ESTRADA

How did Mayor Robertson react when that issue was brought up by Mr. Santillan?

MENDOZA

Well, I think he felt a little attacked because it was, "How did the people come and know about stuff if somebody hadn't mentioned it?" There was no direct accusations, like, "You brought it." I don't recall. But basically it was, "Who brought these people in here?" Because that would be the only way is bringing in. And that goes back to where I was attacked a lot during council meetings. There was a lot of people that were brought forward that would literally come and attack me, and I did find out that it was the mayor and his wife that would bring people to come and talk to me that way.

ESTRADA

How did you find that out?

MENDOZA

Just from having conversations from, there was a couple people that came to me and told me that they were told certain things, and then they saw me in a different light. And so then they're

1		like, "Oh, yeah, you're not like that."
2	ESTRADA	Okay. All right. And then, well, what's the racial composition of
3		the council?
4	MENDOZA	What do you mean?
5	ESTRADA	Is Mayor Robertson Caucasian?
6	MENDOZA	Yes.
7	ESTRADA	I would imagine. Okay. And then the others?
8	MENDOZA	The others, we have four Hispanic and then one Asian.
9		
10	ESTRADA	Okay. All right. Then, after that incident where that issue was
11		raised by-
12	MENDOZA	Sorry.
13	ESTRADA	... Mr. Santillan, did that change things between, or did you see
14		anything that was different between Mayor Robertson and Mr.
15		Santillan?
16	MENDOZA	I did. Well, I think it's hard to say because really, just in
17		conversations in general, there's a lot of innuendos, and this is
18		even from the beginning. And I'm not one to throw jabs at
19		anybody, but you can hear a lot of it. Even during our meetings,
20		you can hear a lot of jabs from the mayor in his role. Well, not
21		his role, but basically there's a lot of those underlying ... I don't
22		know what they're called, conversations, or the only way that I
23		know is like throwing shade. I don't, I'm don't talk like that, but
24		that's the only thing that's comes to-
25	ESTRADA	I get it.
26	MENDOZA	It's like throwing shade kind of thing. Yeah.
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28	ESTRADA	Okay.

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MENDOZA

So that's where I hear that a lot.

ESTRADA

And then previously you referenced that with the former city manager, there was a belief, at least, that Mayor Robertson would impede his ability to do his job.

MENDOZA

Yes.

ESTRADA

Have you seen that in any way from Mayor Robertson towards Mr. Santillan?

MENDOZA

Yes.

ESTRADA

In what way?

MENDOZA

Well, I'm trying to think of direct things. Well, one incident that happened was that we had a ... What was his title? Oh my goodness. There was a gentleman that used to work for us, and I'm trying to remember. I tell you, these three years have just been a blur, and it just feels like everything has just happened longer than it actually has. But we did have recently, one of our employees, one of our directors, I think he was not the public works. Oh gosh, I have to think of his name. I can't think of his name right now. But basically he was leaving. And it had not been announced yet that he was leaving. And he went to Utah because he had to take care of some family. And so it was basically, had Mayor Robertson and actually Council Member Guerra as well, asked him, like, "I heard you're leaving, where are you going?" And so it took the employee by surprise. And it hadn't even been announced or anything like that. And so that was not a conversation that I think was appropriate to ask about an employee that is not our direct employee. And so it did undermine whatever the city manager was doing, and it was a

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private, not private conversation, but basically it was not out for our knowledge yet. How they found out, I'm not sure. But basically it was that, to me felt like, "Why are you going to that or stepping toes?" And then same thing with public works. I feel like the relationship with the public works director, because he had been here for years, and so Mayor Robertson has worked with him for a long time, and so has Council Member Guerra. And so they would just call him and say, "Hey, that stop sign," or I'm just thinking they would call him, that something was happening, and boom, he would go out there. But basically that's where I see that there was those things, that I feel like try to undermine the authority of the city manager.

SALINAS

Do you recall if the city manager shared that personnel information about that person that was going to move away-

MENDOZA

Away? Not-

SALINAS

... in closed session?

MENDOZA

... with anybody? No, it had not been discussed yet. I don't recall that it had been discussed yet.

ESTRADA

Okay.

SALINAS

And one other clarifying question, you said the racial composition was four Hispanics, one Asian, and-

MENDOZA

Oh, I'm sorry. There's only three of us.

SALINAS

Okay. Just making sure.

MENDOZA

I'm sorry. I had to think about that.

SALINAS

All right.

MENDOZA

Well, because Mayor Robertson's married to a Hispanic lady,

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ESTRADA

and so I just ... Sorry. Yes, there's three.

MENDOZA

Okay. Were you present for City Manager Santillan's performance evaluation in December of 2022?

ESTRADA

Yes.

MENDOZA

Was there issues there between Mayor Robertson and Mr. Santillan? And he detailed some of it in his complaint, but just wanted to get your recollection of it.

Yes, there was. As far as exactly what I remember, I don't remember, but there were some things that were said that, for me, we don't have any control of what happens with personnel as far as leaving. They're leaving for medical issues, they're leaving for family issues, they're leaving for what have you type of issues. And so one of the instances that sticks out to me, or one of the comments that sticks out to me is making a reference as that people are leaving because of the city manager's management skills, or management traits, or I can't remember, just basically his style. And that's not why people are leaving. And so there was a little bit a rebuttal as to, "No, staff leaves because of this." You know, he can't control why people are leaving-

ESTRADA

Sure.

MENDOZA

... if it has to do with personal issues. So that was one of the things that sticks out to me as far as making a reference that people are leaving because of his managerial skills.

ESTRADA

And then City Manager Santillan responded to that.

MENDOZA

Mm-hmm.

ESTRADA

How's that?

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MENDOZA

And basically it's saying as far as no control over why people are leaving, you know-

ESTRADA

Okay.

MENDOZA

... as far as if it's for personal reasons, he can't control that.

ESTRADA

What was the structure of the review? Would each city council person give their feedback, and the next, and the next, and the next?

MENDOZA

Yes. Yeah. We had, there was topics or areas, and we went over, and each one of us basically scored and said what structure we had. And this was honestly my first time that I had ever done an interview like this or a evaluation. And so I don't know whether there was anything previously as far as a guidance and how do we do this or that. Council Member Guerra, and Mayor Robertson, and Council Member Trujillo are the seasoned employees. So they would've had probably prior knowledge of how structured. But Fernando brought this structure forward and I thought it was a great way for us to do it, because again, we didn't have any knowledge. But basically we went through and he gave us the option whether to give him the forms back or not. And then I didn't give it back to him. I just said, "You have notes." And overall, my review was, I felt, fair. And so I did notice that Mayor Robertson was a little bit bothered. I think both Mayor Robertson and Council Member Guerra were bothered that they had taken the time to write that down and he didn't want it. But it wasn't anything personal, it was just, "It's up to you. Do you want to give it to me or do you not want to give it to me?" It's really a choice. It was not a formal, "We're going to turn back

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ESTRADA

our papers in."

MENDOZA

Interesting. So just structurally, after the process, does any of that go to human resources in any way? Or is it just-

ESTRADA

Well, for me, I really didn't write anything down.

MENDOZA

Okay.

So when I looked at my paper, I said, "Well, I didn't write anything really other than maybe a number or scribbles." But I probably would've been able to. It should have gone to HR, but it wasn't anything that ... And I want to say the city manager, I'm sorry, we had a ... Did we have? I'm trying to remember if the attorney was present or not. We had an interim attorney at that time, and I don't remember if he was present. I think he was present during that time.

ESTRADA

Okay. What were the grades, essentially, for Mr. Santillan? Did he get satisfactory, unsatisfactory?

MENDOZA

Yeah, they were all satisfactory.

ESTRADA

Including Mayor Robertson?

MENDOZA

I believe so.

ESTRADA

Okay.

MENDOZA

If I recall, it was satisfactory.

ESTRADA

Getting to Mayor Robertson's complaint, what did you think of it when you first saw it?

MENDOZA

Well, it was like the same thing that I was told when I first brought accusations, or not accusations, but basically like, "We're not employees." And we've talked about that before in conversations, because my election was challenged, is what ...

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So I went through with the city, had hired an attorney for myself. And so we had gone over a couple times with other council that said, "It's a fine line for council member. It depends on whether you're a city employee or not, and when you get represented, and when you're not." And so that's been a topic of conversation the whole time that I've been here. And I keep reminding them, "It depends." And I've had other counsel, counsel meeting attorneys say, "It depends. The case where council Member Mendoza-Navarro is, it was a seat that was being defended. It wasn't her, personally. She just happens to sit there." And so that's why the city ended up paying for the attorney fees for that. And so that keeps coming back. "Why do we pay for her attorney fees but you're not paying for my attorney fees. Why does she get protected when ... " And it's, again, not myself, it's the seat. So with here, a lot of this, when I read it, and I didn't think about bringing my copy, but a lot of it was not understanding the role of a mayor, not understanding the role of a city manager, not understanding the role as an employer, especially in the public sector. It's not the same as in the private sector. And again, we're council, so us as council, we have a duty to protect the city manager, which is our employee, and the city attorney, which is our employee, and then overall the City of Selma. But a lot of this that I felt, and if I'm being honest, it was like somebody was throwing a temper tantrum, to be honest, that's what I read a lot of here is somebody was not getting their way, and has been used to getting their way for many years because he's been on council, I believe for 11 years, 11 and a half years, has gotten his way for a very long time. And it's to the point where the majority

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switched. And so now things can't get done. Not that they can't get done, things are not going his way because it comes up a lot. "Well, I'm not part of the majority. I'm not part of the majority." It's like the part of the majority is moving the city forward. It's not playing games. It's not trying to see who's more popular than the other one. But that's basically what I read from this is that somebody was throwing a temper tantrum, very narcissistic, very just again, "Me, me, me, the tension's on me, I'm the victim, I'm being harassed, I'm being pointed out." That's basically what.

ALFONSO

I want to draw your attention into the second page of it. And on the second paragraph, there's a section in there that starts with, "Such harassment." You see that part?

MENDOZA

Mm-hmm.

ALFONSO

And it says, "Such harassment has occurred with the tacit consent of the three member of majority of the city council, Mayor Pro Tem Cho, Council Member Trujillo, and Council Member Mendoza-Navarro allowed such harassment to continue and by doing nothing since April, 2022, are condoning and advocating it." What was your response when you read that the first time?

ESTRADA

Again, "I am being attacked, and I am being bullied, and I am the victim." And not considering what he's been doing to me the whole time. And there's no validity to that. It's just more of a, this is how he feels, and with that any, really, substance and there's constant comparing apples to oranges. And yeah, I don't remember exactly where this part came from as far as what the contents was. But yeah, just in my general interactions with him and just reading this, it was more of, "I'm not getting my way."

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ESTRADA

Have you ever seen City Manager Santillan, do anything that could be construed as threatening in any way towards Mayor Robertson?

MENDOZA

No.

ESTRADA

How about anything that could be perceived as harassing towards Mayor Robertson?

MENDOZA

No.

ALFONSO

Now, one sentence also in that same paragraph at the end, it reads, "Consider the difference between how I responded to the situation at the April 18th council meeting and how the city manager has repeatedly threatened me in order to leverage the city council majority of three for a more favorable employment agreement." Do you feel that city manager ... Well, first of all, did you know what he's referencing to, the response on April 18?

MENDOZA

I don't-

ESTRADA

Is that-

MENDOZA

I don't recall if that's the same day-

ESTRADA

Public Works issue?

MENDOZA

... public works issue, or if it was ... Yeah, it might've been the public works issue. And as far as a more favorable employment agreement, there was a lot of back and forth in here. And there was a lot of things that happened. I think we ended up ... I'm trying to remember when his employment agreement ended up changing, because I think it was revised twice. No. I'm sorry. It was revised and then it was his year. And then that's where the seven years came into play. But I think in that one it may have been because to protect as far as ... I'd have to look at what that

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... because it was a change, but it was more to read with what this ordinance, the government code says. There was nothing in there that was in the- [inaudible]

ESTRADA

Like the terms of his pay or anything-

MENDOZA

Yeah.

ESTRADA

Like the terms of his pay or anything-

MENDOZA

Yeah.

ESTRADA

... like that?

MENDOZA

I don't remember it being anything for his pay at that time.

ESTRADA

Okay. All right. Now, have you ever felt threatened by the city manager's, either statements or communications in any way?

MENDOZA

No.

ESTRADA

Okay. Oh, and then the final reference and demand by Mayor Robertson in the complaint for benefits for his wife, and then a \$5,000 payment for each time he gets unwanted direct contact from City Manager Santillan, prior to this, had you ever discussed any of those types of demands or terms in your presence?

MENDOZA

No. The only time that any monetary changes came up was going back to my very first council meeting where it was on the agenda. And I think we ended up tabling it. I don't remember, but I remember that I had to Google, or I had to basically research, say, "Well, what is a compensation requirements for the City of Selma or for any city?" So I went and I looked. That's the only time that I can recall that had to do with compensation. And it was more of the mayor receiving more compensation than everybody else. And so again, I went to go Google it and I

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brought it to, I can't remember if it was either the ... It had to have been the next council meeting that I said, "No, a city of 35,000 only gets this much." But that's the only time that any compensation has come up.

ESTRADA

Okay. Is there anything else you can speak to, to where, I mean, other than not being in the majority, right?

MENDOZA

Mm-hmm.

ESTRADA

Which seems to obviously be causing some issues for Mayor Robertson, but aside from that, though, can you point to anything directly between city Manager Santillan and Mayor Robertson that has led to the situation?

MENDOZA

No, I can't think of anything other than maybe because the city manager had brought to our attention about that citizen that was attacking and we didn't protect them. And I think it might've been more of a ... Because the mayor has the role of controlling the meeting that it was his responsibility to control the meeting. And it's really whoever's sitting that sitting chair really should be controlling the meeting. And at the time, I didn't know, because when I first came on board, I never saw a code of conduct. I never saw that we had rules of Robert ... what is it? Rules of order.

ESTRADA

Roberts rules.

MENDOZAMENDOZA

Robert's rules of order. And I asked for those things. And so that's been another, I guess, fuel that's been added to the fire because I'm asking for these things, again, because I want to make sure that we're following what we need to follow. And so that's been one of the other, like, "Well, the majority wants this and the majority wants to spend money on code of conduct and

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	on rules of order." And it's like, "Yes, because we need to be able to, you know, follow- "
ESTRADA	Yeah. Have order?
MENDOZA	Have order.
ESTRADA	Yeah.
MENDOZA	I've been in public service for almost 24 years and I know how a board is run. I see how a board is run. I'm a second chair for the Selma Catholic Women's Club. We have rules of order and we have our bylaws. And so for me to come to a city and not have that, it's like, "Why don't we have that?" And so just a lot of this is just, I feel like, again, it's that there's not any ... In my opinion, my personal opinion is, "I lost control. I don't have control. I don't have the majority." And because he's had majority since he's been on board. So just-
ESTRADA	When did that flip?
MENDOZA	It flipped when I came on board. When-
ESTRADA	So in the-
MENDOZA	So 2020.
ESTRADA	2020, November, around?
MENDOZA	November, 2020.
ESTRADA	When did you take your seat? January?
MENDOZA	No, it was December.
ESTRADA	December, 2020?
MENDOZA	December, 2020.
ESTRADA	Okay.
MENDOZA	And since December, 2020, well, actually since the elections

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	were finalized, yeah, so it was December, 2020, I've been attacked, and attacked, and attacked.
ESTRADA	One question, this idea that the city manager does not address Mayor Robertson by his title as Mayor. First of all, have you ever seen that happen in person-
MENDOZA	No.
ESTRADA	... where he refers to him as something other than Mr. Mayor?
MENDOZA	Mm-mm.
ESTRADA	Is that a no?
MENDOZA	Yes, that's a no. I'm sorry.
ESTRADA	Okay.
MENDOZA	Yeah. That's a no.
ESTRADA	Okay. All right. I'm just trying to understand where that- [inaudible]
MENDOZA	So-
ESTRADA	... from.
MENDOZA	I think it came from an email.
ESTRADA	Correct.
MENDOZA	Yeah. I think it came from an email, that an email went to council. I can't remember exactly which one it was, but it went to council. And in the addressing, it didn't say, "Mayor- "
ESTRADA	Said- [inaudible]
MENDOZA	" ... representative." And it was, just said, council members.
ESTRADA	Council members.
MENDOZA	Yeah. Which again-

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ESTRADA	Is not incorrect, necessarily.
MENDOZA	Yeah, it's not incorrect.
ESTRADA	You all have equal voting rights, right?
MENDOZA	Yeah. There-
ESTRADA	How-
MENDOZA	... is no veto rights that the mayor has. We all have the same weight. Yeah. No one has more authority than the other. The mayor is just a presiding-
ESTRADA	Oh.
MENDOZA	... chairperson.
ESTRADA	One more thing. On the first page, second paragraph. There's an allegation there that Mr. Santillan was asked to postpone a meeting for the officer who'd been killed in the line of duty. How did that happen-
MENDOZA	How did that come-
ESTRADA	... as written?
MENDOZA	That one, and we were all ready. This has never happened in the City of Selma. The priest, actually, that was having the vigil for him reached out to me and said, "Can you come to the vigil?" And I said, "Oh, I'm sorry, Father. That's our meeting. I can't change our meeting." And so that was pretty much the gist of it. And I was just like, "Well, if I can come right after the meeting, then we'll go." We had, I think it was the either lighting of the tree. Oh no, we had a vigil at the park at Lincoln Park. And actually, Council Member Guerra asked me, "You think we should postpone the meeting?" And I said, "Oh, yeah. But if we

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can't because there's things that we have on the agenda, then it would be good. But if we can't, we can't." And that was that. Next thing I knew, apparently three people wanted the meeting postponed. I said, "I don't know where that came from because I didn't say that." And so that meeting, we ended up going really fast. We said, "What do you have on the agenda that has to be passed? What do we need to do?" And so there was very important time constraints on that meeting. So the meeting didn't get canceled. We still went forward. We had a quorum. We zipped through that agenda as fast as we could. And we actually were able to attend with staff, the vigil. And I could tell you I got there, and I was right behind the priest. So we got there on time. So it wasn't anything that took up ... But nobody ever said, "Let's cancel it."

ESTRADA	Is it-
MENDOZA	Or that I'm aware of.
ESTRADA	Was the city manager's updated arena renegotiated employment contract discussed during that meeting?
MENDOZA	It was.
ESTRADA	Okay.
SALINAS	Did the city manager have control over postponing meetings?
MENDOZA	Yeah, it was, but there was other things that had already ... It had already gone to notice that there was no time to send out the notice. The timeframe was not enough time to notice the required, what is it-
ESTRADA	72 hours.
MENDOZA	... 72 hours? Yeah. We-

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ESTRADA	Probably the-
SALINAS	But does the city manager do that? Or the city clerk?
MENDOZA	The city clerk. Actually the city clerk.
SALINAS	So Mr. Santillan-
MENDOZA	Would've directed the city clerk to do that, there wasn't time.
ESTRADA	How about to cancel a meeting? Who has the authority to do that?
MENDOZA	The cancel the meeting, it would be if we come, and we don't show up, you know, you're canceled. The meeting's canceled. You-
ESTRADA	Okay.
MENDOZA	... still have to present that. And I believe that, I'm trying to remember if we had asked the attorney, because ... Oh, there was a hearing that day as well. There was a public hearing that day as well.
ESTRADA	Did-
MENDOZA	If I recall, I think that's what it was. I have to go back and look at the agenda.
ESTRADA	The officer being killed, did that happen over the weekend after it had already been-
MENDOZA	No.
ESTRADA	... noticed?
MENDOZA	The officer died on January 31st. And there were several agencies, and churches, and pastors that were doing certain things. This happened to be a Monday that we hadn't had the services yet. Excuse me. None of the services had been spelled

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out or anything yet. And the Catholic priest had wanted to do this vigil on that day. And I think it had just been pretty much like the agenda had already gone out. And then it was the weekend, we had something. I think it was the day before we had something at the park. I'm trying to remember exactly, but it was really short notice, that there was just no time for us to, it would've had to have been canceled, if we showed up and only two of us showed up, that's how it would've had to have been canceled. We could have also not done ... There was a public hearing. I remember that there was a public hearing and we couldn't postpone that because there was people that were coming, you know, regarding the public meeting. Yeah.

ESTRADA

Okay. All right.

MENDOZA

Or public hearing. Sorry. Public hearing.

ESTRADA

Well, you've definitely been very helpful and forthcoming, so thank you for the information. Is there anything else that we haven't asked you that you think might shed a little bit more light on what exactly has been ongoing? Or just the sum and substance of Mayor Robertson's complaint?

MENDOZA

Just mainly, my answers and my perspective, even though I mentioned a couple of things that have been happening to me, they're not necessarily, I'm trying to give more. I'm not protecting one or the other, basically, or I'm not trying to put one over the other. But just in my observation, in my understanding of a council person is we're here to protect two employees, the city manager and the city attorney, and then overall the city. When you have a person that's presiding and it's constantly those

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innuendos, constantly those attacks, those hidden messages, those throwing shades, and it's on record. It's not like it's something that, "Oh, we can't go back and look."

ESTRADA

Right.

MENDOZA

You can see it. You can clearly see it. And just, everyone in the community sees it. Everyone outside of the community sees it. And we just want to be able to get along. And as far as the relationship, we should all have a good working relationship with each other, and especially our employees. And I don't know if not everybody has the same thought as me, and I always have to remember that, "Not everybody's you, not everybody thinks like you." But basically, I think we all just need to understand our roles, understand what our role is, and what our role is for the city. And it's not anything personal. We shouldn't have to fill our egos. We shouldn't have to do that because we're all here for the citizens of Selma. And so the citizens of Selma don't need to see that, don't need to see the animosity and things like that.

ESTRADA

Council Member Mendoza, you referenced also that you had written notes on the complaint when you first got it. Would that be something you'd be willing to share with us?

MENDOZA

I can.

ESTRADA

You want to maybe take a look at them and then let us know?

MENDOZA

Yeah.

ESTRADA

And you have my email so you can forward them.

MENDOZA

Yes.

ESTRADA

That would be-

MENDOZA

I just have to go through my files, and look, and actually started

1		to purge some stuff because, "Don't need that. Don't need that."
2	ESTRADA	Okay. Anything else, Sonia or Alexa?
3	GALLOWAY	No, thank you, Council Member
4	MENDOZA	You're welcome.
5	SALINAS	Just have one quick question.
6	MENDOZA	Sure.
7	SALINAS	For the city manager's contract that was renewed just this year,
8		was his compensation augmented?
9	MENDOZA	I think it had to do with just the percentage. The percentages
10		were the same for the-
11	ESTRADA	Retirement benefits?
12	MENDOZA	Yeah. And I want to say that it was just the term. It went to seven
13		years with the possible eighth, or something like that. I know the
14		terms, and of course-
15	ESTRADA	There's some limitations in the government-
16	MENDOZA	... there's some-
17	ESTRADA	... code on the term. Right?
18	MENDOZA	Yeah.
19	ESTRADA	Okay. Got it.
20	MENDOZA	Yeah, and that was one of the things that, again, I'm compliant,
21		so I'm looking at, "What does the government code says?" For
22		me to Google how much compensation the city council gets. I
23		didn't even know that that was a thing. And so I had to just ... I'm
24		just curious. You know? And so I'm always-
25	ESTRADA	Okay.
26	MENDOZA	... looking to see what's a may versus a must.

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ESTRADA

Okay. Well, I'm going to give you the closing admonishment if we have nothing else. Alexis, Sonia? Okay. Thank you for your cooperation and participation today. I'll remind you of the request to maintain confidentiality over what we've discussed, because it's an ongoing confidential administrative investigation. And then also just not to retaliate against any witnesses or city employees involved. And if you feel you're retaliated against to please report it directly to human resources. Thank you again for your time today. If nothing else, we'll be going off tape. Time is 12:01 PM. Okay.

End of interview.

# EXHIBIT 24

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**CONFIDENTIAL INVESTIGATION**

**CITY OF SELMA**

**RE: INAPPROPRIATE CONDUCT**

**Interview with Beverly Cho : on August 11, 2023**

Salinas

Good morning. We are on tape. Today's date is August 11th, 2023 and the time is 9:59 AM. We are meeting via WebEx. My name is Sonia Salinas. I'm an attorney with the law firm Hanson and Bridgett. I'm here with my colleague Alexa Galloway. My firm has been retained to conduct an investigation related to allegations that have been raised to the city of Selma concerning potentially inappropriate conduct that may be inconsistent with the laws or city of Selma's internal policies. Before we go any further, I would like to ask everyone in the room to state their full name and spell their last name for the purposes of the accurate transcription. I'll start. My name is Sonia Salinas. Last name S-A-L-I-N-A-S.

Cho

My name is Beverly Cho. Last name is C-H-O.

Galloway

Alexa Galloway. Galloway is G-A-L-L-O-W-A-Y.

Salinas

Okay. So just so we are perfectly here, you have been identified as a witness in this investigation, not a subject. So we are going to be asking what you have observed about the complaints, but the allegations are not regarding you. Your cooperation here today will help us with our investigation and we greatly appreciate your time. At the conclusion of the interview, we will request that you maintain confidentiality of the nature of the investigation just so the integrity of the investigation can be

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maintained. So please don't share the substance of the questions we ask or of the answers you provide with anyone. Further, we're going to ask you not to speak to anyone else about their participation or lack of participation in the investigation. And we will also ask you not to engage in anything that could be considered retaliation against any of the witnesses, subjects, or any other people involved or mentioned during our interview. Furthermore, if you feel that you have been retaliated against for your participation in this interview, you should contact human resources directly. If you need a break at any time during our conversation, please let me know. The only thing I would ask is that if there's a question pending that you answer that before we go on break. Well first of all, do you understand everything that I've just shared with you?

Cho

Yeah. I'm trying to understand everything you're saying.

Salinas

Do you have any questions? I'm happy to answer them before we get started.

Cho

I'm kind of new at this political world. So I really don't know what is right or wrong actuality and all this is so new to me. So I'm trying to guess it. I want it resolve basically is what we need to do and find out what's going to be the best thing to resolve it and move our city forward basically is my concern, I think.

Salinas

Sure. Well, I would just share a little bit about our role. Our role is just to investigate the complaint made by Mayor Robertson against City Manager Santillan. We are going to make some factual determinations and possibly policy determinations about that complaint, and so we're not really going to make any

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decisions about what should happen as to after the investigation. That's all up to the city. But for now, we're just gathering information. We're not asking you to take sides or make advocate on anyone's behalf. You'll either know what we're asking you about or you won't. You will either have observed the behavior that is in question or you won't. So it is really just a factual inquiry today.

Cho

Okay. I do my best.

Salinas

Wonderful. Okay. We'll start with a little bit of background. In what capacity do you work with the city of Selma?

Cho

I am actually a council person and I am the Mayor Pro Tem.

Salinas

Okay. When did you start that role?

Cho

Shoot, all I know is I have a year and a half left.

Salinas

Have you had more than one term?

Cho

It is a four year term, so I'll go back.

Salinas

Okay. Have you had more than one term?

Cho

No, this is my first one ever.

Salinas

Okay. And in your role as council member and Mayor Pro Tem, right?

Cho

Yes.

Salinas

Okay. What does that role entail?

Cho

When the mayor's not there, I will be conducting the meetings and usually if the mayor's not able to go to some events, if I am able to, I'll go and represent the city.

Salinas

Okay. And in your role as a city council member, what do you do?

1	Cho	Basically I sit as any of the other council member, things that
2		come up for voting depending on what we decide on or what I
3		feel is right. I've just made my decisions.
4	Salinas	Okay. Have you had any other roles previously with the city
5		council?
6	Cho	With the city? No.
7	Salinas	No. Do you have-
8	Cho	We do have some commissions that we are responsible to go
9		meeting with. Is that what you're asking?
10	Salinas	Is that in connection with your current role as a city council
11		member?
12	Cho	Yeah. Yeah, that's a five city board that's part of my duty. I do
13		go to those meetings. Each one of us are assigned to different
14		committees and those are the things are the ones we're
15		responsible for as my term goes finish up.
16	Salinas	Okay. And you said the five city board?
17	Cho	Yeah, there's a five city league. They have their meetings every
18		quarterly and includes, it's more than five cities, but they started
19		I guess with five cities, just the local small town around our area,
20		Sanger, Selma, Kingsburg, and the local small ones, and they
21		meet every quarter and so that I sit in on their commission there.
22	Salinas	Any other commissions that you are active on as part of your role
23		as a city council member? No.
24	Cho	No, not for city. No. I have other entities, but not for the city, no.
25	Salinas	And so that leads to my next question. What are your roles
26		outside of the city? Do you have a day job?
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Cho

Yes, I own a restaurant in town. It's a family restaurant. We just celebrated 60 years anniversary, so we've been around for a little while.

Salinas

Congratulations.

Cho

And I am like I say in every lot of entities. I'm VP for the Chamber of Commerce. I'm president of my Lions Club, so I'm involved in quite a bit of the community aspect.

Salinas

And now we're going to switch gears a little bit about your relationship with the city manager. How long have you known City Manager Fernando Santillan?

Cho

I only known him since he came on board. I think I met him before he became a city manager. So more I know of him more after he became city manager.

Salinas

When you mean came on board, do you mean when he came on board as a city manager?

Cho

Yeah, he was an economics developer director before he was moved into this. When we hired him as city manager, he was already working for the city of Selma.

Salinas

Okay. And was he working for the city of Selma for a long time before he became city manager?

Cho

I don't think it was that long. Maybe, shoot, you're making tough questions there. I think maybe a couple years. Not 20 years or anything, but shorter time.

Salinas

Okay. And you said you knew him better now that he's a city manager?

Cho

Yes. Yes, because we do have our meetings together before our council meetings, so if I've had any questions on the agenda, he'll

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Salinas

go through everything with me. So he's very helpful with that.

Cho

Okay. And would you describe your relationship with him as strictly professional or are you social outside of work?

Salinas

I think both. Yes.

Cho

What kind of activities do you guys share outside of work?

Not often, that kind of thing because sometimes he'll come to the restaurant and eat and basically we just share ideas about the city. I've been around a lot more longer than him, so I share some of the old time stuff from Selma. So yeah, he's really interested because I say he's like the young one and I'm the old one, so he's kind of curious about what's happened all these years since I've been around that long. So it is good to see a young person wanting to see, wanting to learn about a city that they're new at. And I didn't say I know everything, but at least they're listening. That's a really good thing, I think, for younger people nowadays.

Salinas

And what is your understanding of his role, City Manager Santillan's role with the city council in relation to the city council?

Cho

Say that again, I'm sorry.

Salinas

I said, what is your understanding of his role in relation to the city council? What does he do with the city council?

Cho

Okay.

Salinas

Or for the city council.

Cho

His role, basically what I know is that as a city council, we are his boss. So basically whatever we suggest or say, hey, what about this kind of thing. He will follow up, I think for usually whatever we suggest. So his role is he works for us and then he

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Salinas

takes care of the whole city because he's over all the rest of the staff of the city. So he's got a tough job. Yes.

Cho

Do you have any concerns with the way he communicates with City Council?

Salinas

Say that again. I'm sorry.

Cho

Do you have any concerns with the way he communicates with City Council or particular City Council members?

Salinas

I don't. Personally I don't.

Cho

You made a caveat of personally, do you think other people have a concern with the way he communicates?

No, not, like I say, as the meetings and stuff goes on, it's City Council's political, sometimes they just don't agree to things and they get a little bit hyper. But I always thought that's a part of the way they're supposed to do it. How am I supposed to know they're not supposed to be doing that? See, I'm learning you're not supposed to do that. I don't know that. I thought it was part of the territory. They disagree. Then they get to hash it out. But sometimes they're a little bit louder than other times, so I accept it. They normally don't really come my way because I just mostly sit and listen and I make my decisions. So I'm pretty quiet usually on the council.

Salinas

Who would you say has the most conflict with Mr. Santillan or who has those raised voice exchanges that you mentioned?

Cho

Oh, who has the most conflict with him?

Salinas

Yeah.

Cho

The mayor.

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Salinas

The mayor. And is he the one that you said occasionally raises his voice or towards the City Manager Santillan?

Cho

Okay. I'm sorry, say that again.

Salinas

Is he the one you meant when you mentioned about raised voices, that he's the one that raises his voice?

Cho

Yes.

Salinas

And does the city manager respond in kind? Does he raise his voice as well towards-

Cho

No, he does not. No, he just respond the best we can to the point by questioning why are you raising your voice kind of thing. But he doesn't just do it to him though. He does it to the other council. There's another gentleman on the council and he goes at him the same, he goes at him more than he does the city manager to tell you the truth.

Salinas

You're speaking about Mr. Mayor Robertson going towards the other man. Is it councilman Murr Trujillo?

Cho

Yes.

Salinas

Okay. And so he-

Cho

I sit between the mayor and Trujillo so I'm like, I have to sit back sometimes. Like I say, I always thought that was part of the thing they're supposed to do because they disagree and then they go at it and I said okay.

Salinas

So do you find that the exchanges are mostly about policies or can they be personal?

Cho

I think mostly is their own, I don't know. I don't think it's personally, it's just their ideas are different, so they don't seem

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like they're able to accept and not open-minded enough to be able to say, okay, we'll work this out. They're probably more stubborn to the point, my idea. Yours doesn't work. I think it's more like that as a conflict, I think.

Salinas

Okay. And how long have you known Mayor Robertson for?

Cho

I've known him around in town for a long time because I say he's been in the community for a while, really never done much. I was in certain clubs and we used to sell tickets to them for fundraisers and they always bought and that's, but I never really, it's not like somebody I hang out with.

Salinas

And when you say a long time, do you mean 10 years or longer than that?

Cho

Say that again.

Salinas

When you say a long time, do you mean 10 years or longer than that?

Cho

I would say at least, I would say longer than that.

Salinas

And when you said that you used to sell them tickets, do you mean him and his wife? Sorry, I lost you for a bit. Can you hear me? Just one second. I can't hear you still. Can you hear me? Can you hear me now? Now?

Galloway

No, not now.

Salinas

I can hear you.

Galloway

Did you say something?

Salinas

I can hear you now, but I can't hear.

Galloway

Can't hear you.

Salinas

Okay.

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Galloway	We'll get it resolved soon Mayor Pro Tem. Sorry about this.
Salinas	Is that better? I switched sources.
Cho	Oh yes, we can hear you.
Salinas	Wonderful.
Cho	Okay.
Galloway	I had just asked Mayor Pro Tem, if she attributes Mayor Robertson no longer purchasing tickets from the Lions Club for any specific reason.
Cho	Yeah, yeah. Yes. It might be petty for me, but it's just that they were friendlier before I became on council. How's that? I think that's part of politics, right?
Salinas	How would you describe your relationship with Mayor Robertson now?
Cho	I guess cordial.
Salinas	Cordial.
Cho	In the beginning. Okay. Just like I say, it's a confidential thing. In the beginning when I first became council, and like I say, everything was fairly new, and then some of decision making was not exactly matching theirs or his, and they came after us or me, Facebook wise. And see, that's another thing. I thought that was part of the territory. So when you don't do something to their liking, they go on Facebook and just blast you. Okay. And so then I don't normally even do Facebook. Then if somebody says, well, you got to read this. And that mostly is not from him, it's from his wife. So she's really very crucial on his stuff, on the media, social media. They haven't done anything since, because I did draw a line when they came finally. Yeah, because they

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came after say something about my family and my son and my restaurant, and so I said no. I went back on Facebook and I said it, and I says I took this job, none of my family, you have no right to cross that line. So then I think maybe they got the point. It was not called for so even I knew that wasn't part of the deal.

Salinas

That was early on in your tenure in your term?

Cho

Yeah, just the first few months when I was selected. I think they just came after people that way. I don't know. They went after the other new council person too.

Salinas

And is that Mr. Trujillo or-

Cho

No, Blanca Navarro, she and I both are the newly elected one.

Salinas

Okay. So you don't see Mayor Robertson outside of your professional duties?

Cho

No, I don't. We don't associate.

Salinas

Okay. We talked about a little bit about how Mayor Robertson and City Manager Santillan interact. Would you describe their interactions as hostile?

Cho

If it was really for short second because they do it, we are in public, so it was not like they shouldn't be acting, but I don't know where I can say that, but it's more when we are in closed session too. So they do know not to do it, but I've seen them in public too.

Salinas

So if I'm understanding correctly, just to clarify, the interactions are a bit more hostile when they're in closed session than they are-

Cho

A little bit more, yeah. Yeah, if the mayor's angry about something, that's when he would go a little bit hostile on them.

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Salinas

And what typically are the disputes between, why does the mayor get angry at City Manager Santillan?

Cho

I'm trying to remember. I can't specifically, it's probably totally my opinion is I think city manager is not doing what he wants to do. City manager is doing his job taking care of the city, and the mayor has his own ideas and his way of taking the city is that you have to follow his way only. That's what I think the gist of it is.

Salinas

Okay. So in your opinion, the city manager is running the city independently or without as much deference to the mayor as the mayor would like.

Cho

Yeah, I think he's doing his job. He's supposed to, and it's not according to the mayor. The mayor wants to call the shots, and I think that is the...

Salinas

Do you recall a meeting where the city council gave a performance review to the City Manager Santillan?

Cho

Oh, when we do the performance thing?

Salinas

Performance evaluation?

Cho

Yes. Yeah, I was there.

Salinas

Okay. And do you recall Mayor Robertson delivering his performance review of Santillan?

Cho

Yeah.

Salinas

Was there anything unusual about his review of Santillan?

Cho

It wasn't unusual. I expected it from him that way.

Salinas

Okay. And what do you recall about his review?

Cho

Like I said, he didn't agree to what he's doing and I don't think

1		he thought he was doing a good job. If it is probably up to him,
2		he'd probably let him go. That's my opinion.
3	Salinas	So in your opinion, he was trying to give the City Manager
4		Santillan an unsatisfactory review?
5	Cho	I think he was certain areas I think he said he was good, but I
6		think in some of the areas he did definitely give him
7		unsatisfactory.
8	Salinas	And do you recall what review you gave Santillan?
9	Cho	Say that again? I'm sorry?
10	Salinas	Do you recall your review of City Manager Santillan?
11	Cho	Yeah, I think he's doing a good job.
12	Salinas	And you said that during the performance evaluation meeting?
13	Cho	Yes. We had it in a written form, so it was at a written format, so
14		we were able to write down what we thought at that point.
15	Salinas	Okay. And did you put those written notes in City Manager
16		Santillan's personnel file or turn them into him? What did you do
17		with those notes?
18	Cho	I think we just gave it back to him that day to go into file. I guess
19		that's what they're supposed to do. I'm not sure.
20	Salinas	Okay. So you don't recall the city manager saying I don't want
21		the reviews back?
22	Cho	No, he didn't say that.
23	Salinas	Okay. So you are aware that Mayor Robertson lodged a
24		complaint against City Manager Santillan?
25	Cho	Yes.
26	Salinas	Okay. Was that surprising to you?
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Cho	No.
Salinas	Okay. What was your reaction?
Cho	Reaction of him? My reaction or the one he's [inaudible 00:24:37]
Salinas	Your reaction. What was your reaction to the complaint?
Cho	My reaction is it seems like something typical the mayor would do.
Salinas	What do you mean by that?
Cho	I mean, there was a conflict and he figures this is the way he's going to handle it, and I thought maybe if they sat down and talked about it, maybe they could resolve it, but I don't think he's in a frame of mind. I don't think he's going to let it go that easy.
Salinas	Okay. Do you think there was any-
Cho	Is that a power? It might be, feels like a power thing. He wants to pull his power.
Salinas	Okay. Do you think there was anything specific that caused Mayor Robertson to file the complaint?
Cho	I'm sorry?
Salinas	Do you think there was anything specific that triggered the complaint from Mayor Robertson?
Cho	I don't think I can nail that. I just feel like city manager was not following what he wants to do, or he wants to micromanage the city staff and which he shouldn't be doing. I even know that part. And he was doing that. It was very apparent. You can tell. We just hear about it from the background and he is not supposed to be doing it. And then I think the city manager challenged him on

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Salinas

that and that was not something he's supposed to do.

Cho

And do you recall specifically any instance or any particular staff that had issue?

There was. Okay. There was one person that city manager have to let go, and he did work for years over 20 something years, but he was just been there for a long time. He did what he's supposed to do or did what he thought he was supposed to do, but he was listening. He wasn't listening to city manager. He was listening, I think, from the mayor point of view. So when that happened, that really, I think it started it.

Salinas

Was that the public works director?

Cho

Yeah, it was, yes.

Salinas

Do you think there was any factual basis to Mayor Robertson's complaint? I mean any justification to it.

Cho

Actual for him to dislike the city manager or what's your question?

Salinas

Or to his grievance? He made a bunch of complaints. Do you think there was any merit to the complaints that the mayor was making?

Cho

Oh, against the city manager?

Salinas

Yes.

Cho

I don't think so myself.

Salinas

Okay. Have you ever seen the Mayor Robertson's complaint?

Cho

No.

Salinas

You haven't. It's a three page typewritten letter and it has attached a couple or four pages, excuse me, type written letter

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	and it has a couple emails attached. You've never seen it?
Cho	I probably have seen it, but I don't really remember what's on it now. I think we did get a copy of that letter.
Salinas	Okay. So I'm just going to tell you about the third paragraph on the second page. Do you want me to bring it up for you so you can look at it?
Cho	Yes. How can I look at it?
Salinas	I'm going to put it on my screen.
Cho	Oh, okay. Okay
Salinas	So does this look familiar to you?
Cho	Yeah, I can see it, yeah.
Salinas	Okay, so I'm going to go to the second page. It's 1, 2, 3. So I just wanted you to direct you to where he writes here. So he's describing alleged harassment from the city manager, and then he writes, "Such harassment has occurred with a tacit consent of the three member majority of the city council Mayor Pro Tem Cho, council member Trujillo and council member Mendoza Navarro have allowed such harassment to continue and by doing nothing since April, 2022 are condoning and advocating it." What was your reaction to this statement? Or did you notice it before?
Cho	Oh, what was my reaction to this?
Salinas	Yeah.
Cho	I thought it was kind of like, well, I don't think we ever done anything to him to say that anything. Personally I have not. Whatever he said is whatever he bases his own opinion on, and

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Salinas

I've never really reacted to his at all. I don't agree to the way he's doing it. Of course.

Cho

When you say you don't agree with the way he's doing it, do you mean Mayor Robertson?

Salinas

No, I just don't agree how he went to all this and I guess I just did wish that they could just have talked it out on their own without going through all this.

Cho

Okay. So you think that Mayor Robertson could have worked this out with city manager without filing this complaint?

Salinas

I think so. I think so. But I think by the time everything happened like that, it's almost like they're not going to go backwards to be able to do that. They're beyond that point already. I think. That's why you guys are in here.

Cho

In the letter he mentioned that allegedly the council members have not been doing anything from April, 2022, do you know what occurred in April, 2022 that Mayor Robertson is referencing?

Salinas

I'm trying to think. When is that? Shoot. 2022. No, it's not coming to my mind.

Cho

Okay.

Salinas

No.

Cho

And why do you think Mayor Robertson believes that believes this, that the council members are condoning or advocating for harassment?

Okay. In my opinion, also, the history back, Mayor Robertson been around for at least the last 10 years and most of the things, most of the votes and everything has gone. He's always had the

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majority vote on most of the decision making for the city. So then this round, okay, I won probably by, I don't know, by flute or whatever, but I did win and then Blanca did win. So then now he had lost the majority vote. So now when there's things that we disagree with, we actually have to vote to vote on it to make it continue. And I think that's why we've been called U3 for a long, long time. Ever since I've been on council, not so much by him, but his wife goes up every council meetings at U3, you always do this and this, and that's part of it because we don't agree with his votes. That's what makes the difference now. We can actually move on further on because even for me being not a political person, I do deal with the public a lot. They say my restaurant's been around for that long, and people do say, they say, wow, why is Selma not moving anywhere? And they haven't been. So it has to be the council board because the city's not moving, something's there, something's causing it not to move. Now decision making is different and I see that we are moving a direction, so I feel like it is a good thing, it's a difference, and it's just not quite the way the mayor's used to doing it. He usually has all the... He used to call all the shots and the votes. He had the votes. He did have the votes. That's just some stuff in the background, I guess. I don't know it helps or not, but I'm going to throw it out.

Salinas

And have you witnessed any interactions between the Mayor Robertson and the city manager that you thought were harassing in nature, either by Mayor Robertson to the city manager or by the city manager or vice versa?

Cho

See, that's where, I don't know the difference of what harassment

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is. Okay. Because see, I've never dealt with this level. I just thought they disagreed and they talk it out kind of thing. Didn't know we had to go through this much. But then like I say, it is not just the city manager. He's like that when Councilman Trujillo too. He's more on him than the city manager.

Salinas

Sorry.

Cho

Yeah. They disagreed. They go at it.

Salinas

Do you find the exchanges to be not just heated, but disrespectful? Or is it just healthy discourse?

Cho

Sometimes it doesn't sound, it doesn't sound too respectful. It's like sometimes things weren't working and the mayor excused himself. It's almost like a child, I don't want to play with you anymore. I'm taking my toys, I'm going home. That's exactly how I felt when he did that. I says, why is he doing that? We haven't finished a meeting yet. He just did that. So because it didn't go his way. And that's what I felt.

Salinas

Have you spoken to Mayor Robertson about his complaint?

Cho

No.

Salinas

Okay. Have you spoken to any other council members about Mayor Robertson's complaint?

Cho

No. No. I didn't think we were supposed to talk to anybody about this.

Salinas

Okay. Alexa, I think you had questions about something about the former city manager.

Galloway

Oh yes. Mayor Pro Tem Cho, were you in your role when there was a prior city manager at Selma?

1	Cho	Okay. Say that again.
2	Galloway	Did you ever work with the prior city manager at the city of Selma?
3		
4	Cho	Was I there to hire him?
5	Galloway	Right. So I know this current city manager came into his role, I believe in 2021, correct?
6		
7	Cho	Yes. There was a lady city manager that was there.
8	Galloway	What was her name?
9		
10	Cho	I'm sorry?
11	Galloway	What was her name?
12	Cho	Theresa Galvan.
13	Galloway	Do you know why she departed the city of Selma?
14	Cho	How she was?
15	Galloway	Why she left the city of Selma?
16	Cho	No, I really didn't know that one. No.
17	Galloway	Okay. Did you have any understanding as to why she was no longer working as a city manager?
18		
19	Cho	Why she is not working as city manager?
20		
21	Galloway	Yes.
22	Cho	She is working somewhere else though as city manager, I think.
23		No, I didn't know why she left the Selma, no.
24	Galloway	Got it. Okay. Okay. Has Mayor Robertson ever raised his voice to you directly?
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26	Cho	Yeah, echo. I'm having a hard time understanding. Say that again, I'm sorry.
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Galloway

I'm sorry. Has Mayor Robertson ever raised his voice to you directly?

Cho

Not in public. At a closed session, once, yeah.

Galloway

Once. Okay. And for closed session, is anyone else in attendance besides the council members, the mayor and yourself?

Cho

Yeah. Yeah, because session all the council members. And at that time, Theresa Galvan was also, she was a city manager. And then I think that time the attorney wasn't there. He was on the phone online kind of thing. So he was hearing what we were saying.

Galloway

Okay. Back to that closed session meeting where the city manager had a performance review. Did Mayor Robertson try to initiate a vote of no confidence?

Cho

Say that again, I'm sorry.

Galloway

During the closed session meeting where the performance review of the city manager was being done, did Mayor Robertson try to initiate a vote of no confidence?

Cho

No, I don't think so.

Galloway

That's all I have Sonia.

Salinas

Okay. I think that's all we have for today Mayor Pro Tem Cho. Did you have any questions for us?

Cho

No, really. Hopefully what I said is helpful. It's totally my opinion and I'm brand new in this political world and I probably won't be coming back the second term. No, no. It's just I've learned a lot. I've met a lot of good people and like I say, I've been here so long, I'd like to see our city grow a little bit more

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Salinas

and if this is the way we need to do it, then I'm good with it.

Cho

Is there anything else you would like us to know about any of the information we have asked about today?

Salinas

No, I think I'm good. I think I just, like I said, gave you my opinions and I just wish they could just have talked it out, been easier, but I don't know. Is that part of politics maybe when they get so hyper about something and it's just go at it? And so like I say, I sit between the mayor and Trujillo so I just have to sit back and let them go for it sometimes.

Cho

Do you think that anyone else?

Salinas

I'm used to that now because this is what they do and then usually councilman Trujillo calms down and then see he does come down usually after, but somebody's coming after you, of course you're going to fight a little bit too. You're not going to just take it. But like I say, I am the quiet one, so I don't give them any reason to come after me for any reason.

Salinas

Is there anyone else we should speak to as part of our investigation into Mayor Robertson's complaint?

Cho

Anybody else talk to you said?

Salinas

Yes.

Cho

Besides the council people?

Salinas

Yes.

Cho

No, I think it should be solved between them, I think.

Salinas

Okay. Do you have any documents that you would like us to ask for as part of the investigation? Anything that would reference would give us any information about Mayor Robertson's

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complaint?

Cho

No, I don't have any documents.

Salinas

Anything else from you, Alexa?

Galloway

That's it.

Salinas

Okay. So now we're going to just do the conclusion concluding admonitions. I would like to thank you for your cooperation and participation with this investigation. You are reminded that of the continuing request that you not discuss the nature of this investigation or the content of our interviews with anyone. Because this is an ongoing confidential investigation, we ask you that you not do anything that may be construed as interfering with it. You are also not to engage in any conduct that would be deemed retaliation. Similarly, if you feel that you are retaliated against for your participation here today, please immediately report any such conduct to human resources. Thank you again for your time today. We are going off tape. The time is 10:42.

End of interview.

# EXHIBIT 25

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**CONFIDENTIAL INVESTIGATION**

**CITY OF SELMA**

**RE: INAPPROPRIATE CONDUCT**

**Interview with Fernando Santillan: on August 9, 2023**

ESTRADA

Okay, we're on tape. Today's date is August 9th, 2023, and the time is 12:12 PM. We are appearing in person here at the City of Selma City Council chambers, located at City Hall. My name is Alfonso Estrada. I'm accompanied in person by my partner Sonia Salinas, and we're attorneys with the law firm Hanson Bridgett. Also present on Webex is our colleague, Alexa Galloway. Our firm has been retained to conduct an administrative investigation related to allegations that have been raised to the city concerning potentially inappropriate conduct that may be inconsistent with the law or City of Selma's internal policies and procedures. And again, as I advised you upfront, you've been identified as the subject of the investigation. But before we go any further, I want everyone in the room to go around state their full name and spell their last name for the purpose of accurate transcription. I'll begin. My name is Alfonso Estrada. My last name is spelled E-S-T-R-A-D-A.

SANTILLAN

My name is Fernando Santillan. My last name is spelled S-A-N-T-I-L-L-A-N.

SALINAS

Sonia Salinas. Last name S-A-L-I-N-A-S.

GALLOWAY

Alexa Galloway. Galloway is G-A-L-L-O-W-A-Y.

ESTRADA

All right, so Mr. Santillan, as an employee of the city, you have an affirmative duty to be honest and truthful in response to any

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questions that are asked of you during this interview. Additionally, we will request that you maintain confidentiality of the nature of the investigation and the substance of our interview. Also, you'll be asked not to interfere into the ongoing investigation into this matter for the purpose of maintaining the integrity of our investigation and the end product and report. Additionally, you'll be asked not to engage in any conduct that could be deemed retaliation against any other City of Selma employee or witness involved. And if you feel you're retaliated against for your participation here today, please immediately report such conduct to human resources directly. If at any point you need to take a break during the interview, you may. I just ask that if there is a questioning pending that you'll be required to answer that before we take that break. Any failure to abide by any of the directives given you today may subject you to independent grounds for discipline up to and including dismissal. Do you understand all of the admonitions that I've just read aloud to you?

SANTILLAN

Yes.

ESTRADA

And do you have any questions before we get into the substance?

SANTILLAN

No.

ESTRADA

Okay. Before we proceed actually with any questioning, I did want to clarify on the record, we are aware that you have filed a charge with the Civil Rights Department or the EEO, and if you are represented by counsel in that matter, you would obviously have the right to be represented by counsel in this interview. So I just wanted to get that out in the open.

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SANTILLAN

I understand that.

ESTRADA

Okay. So do you have counsel with regard to the substance of the EEO charge that you would like to be present here today?

SANTILLAN

Not here today.

ESTRADA

Okay.

SANTILLAN

But I do have representation with regard to that matter.

ESTRADA

Okay. Well, be it as how you are represented, as attorneys ourselves, we cannot speak to you directly unless if you'd like to get ahold of your counsel and then see if he's okay with you proceeding.

SANTILLAN

You know, I asked the city attorney yesterday if it was necessary to have my counsel here and she said not really. So that's why I didn't let them know. But at this point, I would be comfortable moving forward with this interview without my representative here. They're not formally under contract with me, so I guess that takes them off the hook.

ESTRADA

Well, it's completely up to you and you can waive any potential right that you would have of them appearing here in person. But we just wanted to be upfront and apprise you of the right and obligation we would have.

SANTILLAN

Sure, I understand.

ESTRADA

But you've not formally retained counsel in any manner?

SANTILLAN

Not formally, no.

ESTRADA

Okay. All right. Well, just knowing all of that, if you're still comfortable proceeding today, we can proceed. But do you waive any potential ability to have your counsel here present?

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SANTILLAN	Yes, mm-hmm.
ESTRADA	Is that a yes?
SANTILLAN	Yes.
ESTRADA	Okay. All right. So with that issue aside, what is your current position with the City of Selma?
SANTILLAN	I'm the city manager.
ESTRADA	And how long have you held that position?
SANTILLAN	It's been about... What month are we in? August? A year and eight months.
ESTRADA	And did you work for the City of Selma prior to that?
SANTILLAN	Yes. I started in February, 2021 as community development director. And then in September, 2021, I was promoted to deputy city manager in December, 2021, I was appointed city manager.
ESTRADA	And what was the period in which you were deputy city manager?
SANTILLAN	September to December.
ESTRADA	Of 2021.
SANTILLAN	2021, yeah.
ESTRADA	Okay. Did you have any past municipal work experience prior to February of 2021?
SANTILLAN	Yes. I worked at the City of Avenal in Kings County. I was the community development director there for six years.
ESTRADA	And what is your educational background for community development?
SANTILLAN	Well, I'm a certified planner through AICP. And formal education in planning, I don't have any. I'm currently doing a

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ESTRADA

master's program in public administration from the University of North Carolina Chapel Hill.

SANTILLAN

Okay. And then you worked for City of Avenal for six years. Did you work anywhere in that field before that?

ESTRADA

In the community development field?

SANTILLAN

Yes.

Well, I started at the City of Fresno in economic development as an intern. Worked my way up in that city. Then I went to the Economic Development Corporation in Fresno County and took a little break to work in tech for a couple of years and then took the job in Avenal's community development director.

ESTRADA

Okay. Now, what is your understanding of your major job function as the city manager for the City of Selma?

SANTILLAN

Well, all the city employees report to me. I'm the administrator of the city's affairs. It's my job to oversee the budget, to prepare a budget, present it to the council for approval, to make hiring personnel decisions, to implement and enforce the policies of the city, and generally maintain relations with the city council and the community.

ESTRADA

With regard to personnel decisions, hiring, firing, do you answer to the city council? Let me ask it a different way. Do you receive input from the city council prior to you making those decisions?

SANTILLAN

Well, the municipal code requires me with regard to department heads, very specific positions, to consult with the city council prior to making those sorts of decisions, hiring and firing. But that doesn't require approval. With anybody else, anybody in the civil service, it is completely 100% within my authority without

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ESTRADA

consulting the counsel. So generally, no, I don't seek their approval.

SANTILLAN

Okay. What was the recruitment process when you were transitioning from deputy city manager to the CM? Did you interview with the city council?

ESTRADA

Well, no, actually that's interesting. There was an interim city manager that was brought on after the previous city manager was dismissed, and it was his responsibility to conduct the recruitment. So he solicited resumes from interested parties, and I don't know who those interested other interested parties were. He presented those to the city council and they decided who to move forward with in a closed session and they ended up selecting me as the next city manager.

SANTILLAN

Okay. So you did not have to interview for the position with them?

ESTRADA

No, I didn't. No. They were already familiar with me having already been an employee

SANTILLAN

Okay. And how many direct reports do you have in your position as city manager?

ESTRADA

Direct reports? So just going through. The fire chief, police chief, deputy city manager, two deputy city managers, the HR manager, public works director, the IT person, finance director, community services director. Oh, then my executive assistant and city clerk. So I would say about 11.

SANTILLAN

Okay. And this community development, is that another department that you oversee?

No, the deputy city manager over development services oversees

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ESTRADA

that.

SANTILLAN

Okay. All right. So when you first started your position in December of 2021, how would you report to the city council?

ESTRADA

Like immediately becoming city manager? Just through normal memos, updates at the city council meetings, phone calls, one-on-one meetings when the council members were amenable to that. And yeah, different ways.

SANTILLAN

Has that changed since then?

ESTRADA

A little bit, yeah. I have more frequent one-on-one meetings with the council members. That's my preference. And for the most part, that's their reference. The mayor and Council Member Guerra, they never want to meet in person, so that's a little bit tough.

SANTILLAN

When did that start?

ESTRADA

Almost from the very beginning, which was surprising to me because when I was appointed, it was a 5-0 vote. It was a unanimous vote to appoint me as city manager. And they did express their support, at least Council Member Guerra expressed her support. And we met a couple of times to discuss matters with regard to the city council agenda items. And then over time they started refusing to meet with me in person.

SANTILLAN

And how would they communicate that they did not want to meet with you in person?

ESTRADA

I would have either the city clerk or my assistant reach out to try to schedule one-on-one meetings and they just wouldn't make themselves available.

Okay. How would you describe your working relationship

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SANTILLAN

presently with the city council?

I think it's very positive. We had a council workshop this morning, a city council meeting on Monday. It was pretty positive. As far as working relationship goes, they send me texts, they call me, they email me and I respond to them. It's all pretty cordial.

ESTRADA

And when you say they though, is that inclusive of Robertson and Guerra?

SANTILLAN

It's always-

ESTRADA

At least with regard to the communications.

SANTILLAN

To the communication, it's hit or miss. When there's a complaint from citizens, they'll reach out to me and it'll be a nice conversation. The other day we actually had a tour with Congressman Costa, which went really well. And it was just Council Member Guerra from the council, Council Member Guerra, the mayor, and myself. And it was very cordial. But yeah, I think when it gets more tense is actually during the council meetings themselves. I think that's when the communication, if I'm explaining or seeking approval for an item, the questions might be very pointed, which is fine, or there might be implications, an underlying agenda, things like that. But other than that, it's fine.

ESTRADA

Specifically, well, what you just described, who do you receive that from at the actual meetings?

SANTILLAN

It's typically the mayor and Council Member Guerra

ESTRADA

Okay. And when was the last time something like that happened?

SANTILLAN

I would say it happens at least once a meeting, every meeting. I

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think this past meeting, the one on this past Monday, was a little bit atypical in that sense that we really didn't have very many of those situations. For a while, a lot of it started being directed at my staff as well, which for me, it's a little bit more difficult to be okay with. But for the most part, they've kind of changed their tune with the staff of the department heads, and they've been a lot more positive and cordial with them.

ESTRADA

Okay. So when you say staff, are you referring to the department heads?

SANTILLAN

Department heads for the most part, yeah.

ESTRADA

Okay. How long have you known Mayor Robertson?

SANTILLAN

Since I started here in February, 2021.

ESTRADA

And is that the first time you met him?

SANTILLAN

Yes.

ESTRADA

And at some point, would you communicate with Mayor Robertson via email?

SANTILLAN

Yeah, all the time.

ESTRADA

Do you still do that?

SANTILLAN

Yes.

ESTRADA

Okay. And how would you, I guess, in the present, describe your relationship with Mayor Robertson and your role as city manager?

SANTILLAN

It's cordial when... I'm a professional government administrator. I think from his perspective, when I came into office or when I was appointed city manager, it was during an election year. And so election cycles always distort people's behavior. Not always,

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but in a lot of cases, distort people's behaviors when they're trying to either make a point or they're trying to establish a platform in some shape or form. So it was pretty tense that first year for the most part. And then last year, 2022, it continued. Now, I think after he's realized that... Actually, I can't speak for him. I don't know what he's realized. But I think he's trying to be more communicative because he did say... I mean, in his complaint, he said he didn't want me contacting him at all. But he comes up to me before council meetings and says, "Hey, City Manager, wanted to get your thoughts on this and that." And I'll engage with them and I'll give him my honest opinion about things and give him feedback. So I would say right now in this moment, it's more positive than it's ever been, but it fluctuates depending on what the circumstances are.

ESTRADA

And I guess after he submitted this complaint I have in my hand here, February 6th, 2023. You reviewed this?

SANTILLAN

Yeah.

ESTRADA

Did you cease communicating with him via email or in any way after he submitted this In February 6th, 2023?

SANTILLAN

I personally didn't. I continued my normal communication and outreach

ESTRADA

Okay. And then also, there's a separate document. It's an April 18th closed session report. Let me show it to you a second. It's a two-page document. Did you prepare that?

SANTILLAN

I did.

ESTRADA

Okay. And why did you draft that? It has a date of April 18th, 2022 on it.

1 SANTILLAN

2 Yeah. Well, it was just kind of a heads-up to the council. "Hey,  
3 there were these comments during the council meeting on April  
4 4th, I think it was. There was a citizen that made some comments  
5 that were interpreted as racially motivated." And reminded the  
6 council of their responsibility to protect employees from racial  
7 discrimination. And I said, "I haven't decided whether or not I'm  
8 going to make a formal complaint about this." And the council at  
9 that time decided, the majority of the council I should say, aside  
10 from Council Member Guerra and the mayor, they said, "We  
11 understand. Let's revise your contract to add language to protect  
12 you from further instances of this." Which I appreciated. So that's  
13 what came of this statement, this complaint. So following this,  
14 we came back in August with revisions, after I had worked with  
15 the city attorney on revisions to my agreement, added some  
16 language. It was at that meeting where the revisions to my  
17 agreement were being considered that I believe the mayor  
18 retaliated against me for making this complaint. And he  
19 essentially said, if I move forward with any sort of complaint  
20 with Civil Rights Commissioner Agency, that he would sue me  
21 for slander and that he would let all the surrounding cities know  
22 that I can't take criticism. So he was basically threatening to  
23 affect my future job prospects if I ever left the city.

24 ESTRADA

25 Okay. Getting back to the April 4th city council meeting, what  
26 specifically were the statements that were made which drew you  
27 to the conclusion that, I guess, either racially charged language  
28 or just racist statements were that you were permitted to be  
subjected to that?

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SANTILLAN

Yeah. Well, I think it's in that statement. But it was something to the effect of, "The city council is hiring people to make Selma like Parlier."

ESTRADA

The word ghetto also.

SANTILLAN

Yeah. "A ghetto like Parlier." And it was funny because I thought about that and it's like, "Well, the only people that City County Council appoints is the city manager and the city attorney." And the city manager at that time was a white woman. So I'm thinking, "Okay, she must be referring to me." Didn't think much else of it the rest of the meeting. But then somebody actually, after that person made that comment, said, "I'm from Parlier." They got up and spoke and said, "I'm from Parlier, and I resent that comment because it implies that brown people are ghetto." Parlier is a primarily brown community. So somebody else in the audience actually called her out, the other citizen that made the comment. So that's where that came from. And really, it was mostly me just saying, "Hey, Mayor, when those kinds of things come up and that kind of language is used or implications, you and the rest of the council have a responsibility to say something." I think the mayor took that as restriction on his free speech or anything like that, but it's mostly out of liability.

ESTRADA

And also you don't attribute the statement that the female made, the female citizen, at the April 4th, 2023 meeting... I'm sorry, this says April-

SANTILLAN

April 4th.

ESTRADA

Was it 2022 or 2021?

SANTILLAN

2022. I wasn't the city manager yet.

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ESTRADA

This is 2021. So this is a typo.

SANTILLAN

Oh, okay. The date is incorrect. Apologies.

ESTRADA

Okay. But that statement, do you attribute that to Mayor Robertson? From the third party? I guess?

SANTILLAN

No, I really can't. There's no way I could tie the two together.

ESTRADA

And what was the response, if any, that you received from Mayor Robertson after bringing it to his attention?

SANTILLAN

Oh, he took it, exactly what you just asked, he took it as me implying that he somehow coordinated this. There's a backdrop to that whole situation. And the reason that that lady was there, Joan Nelson, to make that statement, was because I was in the process of terminating a Public Works director who was supported by some folks in the community. And what I said in my statement was, it was clearly coordinated campaign. I never said it was the mayor that coordinated it. Actually, it's very clear that it was coordinated by the employee that I was terminating. Because he had told me this, that he was going to bring people out and, "Okay, fine." I think the mayor took it as I'm accusing him of coordinating this, which was not the case. All I said, the only purpose of my statement, my complaint in closed session was whenever something like that happens, you have to step in and say something to keep it from getting out of control. That's it.

ESTRADA

And then just, I don't need to get into the weeds on it, but just generally, why was the Public Works director being terminated?

SANTILLAN

Just for performance, not capable of performing his duties.

ESTRADA

Okay.

1	SALINAS	One clarifying question. You mentioned earlier that they
2		suggested they, being the majority of the city council, suggested
3		that your contract be amended to include some protection of you,
4		who made that suggestion?
5	SANTILLAN	Well, it was my suggestion. It was my request and the council
6		agreed with it.
7	SALINAS	Okay.
8	ESTRADA	And then has your agreement recently been amended or
9		extended?
10	SANTILLAN	It has. The last revision was on February 6th, which
11		coincidentally is the date of the mayor's complaint against me.
12	ESTRADA	Okay. And what, if any, of the just terms of it were changed, if
13		any?
14	SANTILLAN	Yeah, it's pretty significant things. First of all, my pay was
15		increased, my base salary. There was a provision added that in
16		order to terminate me, it would require a four fifths vote. Super
17		majority of the council. And then also the other main point was
18		that my severance was extended from nine months to 18 months.
19	ESTRADA	Okay. All right. What's the term of it?
20	SANTILLAN	It's through 2027 and I have an option of extending it through
21		2028.
22	ESTRADA	Okay.
23	SALINAS	Only your option? They have to agree to it, right?
24	SANTILLAN	I have to agree to it.
25	SALINAS	Okay. So you can do it without them agreeing?
26	SANTILLAN	Yeah, the only thing that would be negotiable is the salary at that
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ESTRADA

point. Did you guys receive a copy of the agreement?

I don't know that we have the most up-to-date one. Yeah, we'll have to get that.

SANTILLAN

We can have that sent over to you.

ESTRADA

Okay. And then after you brought the issue of the April 4th, 2022 meeting to Mayor Robertson's attention, well, first of all, did another incident like that, has that occurred since then?

SANTILLAN

No.

ESTRADA

Okay. So my follow-up was going to be, has he changed or anything like that? But it seems like you don't have any more instances in which he would have-

SANTILLAN

No, that particular person didn't come to any other meetings after that. But yeah, the racially motivated thing wasn't really my complaint. I wasn't saying, "This person was singling me out." Which she was. But the issue was let's not allow this to get out of hand in council meetings.

ESTRADA

Got it. Okay. Going to pull up an email. Do you have a copy of the email I sent? I have one but [inaudible].

SALINAS

This one?

ESTRADA

Yeah. Okay, now there's an email that you sent to the city council, and this is one of the allegations of the mayor's complaint. And where is it? It is a January 24th, 2023 email. And in it you address it to members of the Selma City Council. First of all, do you recall sending an email around that time?

SANTILLAN

I believe so. If it's the one with regard to my deputy city manager.

ESTRADA

Yeah. You know what, I'll just show you the version I have of it

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	here.
SANTILLAN	Okay. Sure.
ESTRADA	Yeah. Exhibit two.
SALINAS	I got it.
ESTRADA	[inaudible]. Thank you, Sonia. So in this email you address it to members of the city council. One of Mayor Robertson's allegations is that you referred to him in this email kind of as a collective, of the members of the city council, and you're addressing him. And part of his complaint is that you didn't call him by his specific title of Mayor Robertson. But then in this separate April 18th, 2022 complaint that we already went over, you do say, "Mayor and City Council members."
SANTILLAN	Yeah.
ESTRADA	Is there a difference?
SANTILLAN	Not in my opinion. I use it interchangeably. Sometimes I say specifically mayor, sometimes I say members of the council. He's technically a member of the council. Right? So to me, it doesn't matter to me if I call a mayor a council member.
ESTRADA	Okay. And prior to his February 6th, 2023 complaint, did he ever raise the issue of you not calling him specifically mayor at any point prior?
SANTILLAN	I've never heard that before from him, yeah.
SALINAS	Has he mentioned it since?
SANTILLAN	Never. Not since.
ESTRADA	All right. Now in that email, you also referenced your performance evaluation of December 16th, 2022. I guess what,

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if anything, occurred during that performance evaluation meeting or closed session with Mayor Robertson?

SANTILLAN

During my performance evaluation?

ESTRADA

Correct.

SANTILLAN

Yeah. It was kind of everybody, all the council members gave me their evaluation, verbal evaluation, which that in itself was... So my agreement says that the city council should perform an evaluation of me and that they should coordinate it. They left it to me to kind of come up with a way of evaluating me. So it was my first evaluation as city manager. I was kind lost. But anyway, I pulled something out from ICMA and I gave it to them and I said, "Fill this out." They preferred to just give me the evaluation verbally. So when I offered to collect it afterwards, and this is one of the things that was weird about his complaint, is that I didn't collect the evaluations afterwards. I asked them and they said, "No, we already told you our evaluation. We'll just keep our notes." Okay.

ESTRADA

Who said that to you?

SANTILLAN

I think it was the mayor actually. And I think as a consensus, they all decided, "It's not necessary. We'll just keep our notes."

ESTRADA

Yeah, because I understood one of his chief complaints is that you didn't even seek to affirmatively collect the written evaluations they had completed and brought with them to the meeting.

ESTRADA

Yeah, because I understood one of his chief complaints is that you didn't even seek to affirmatively collect the written evaluations they had completed and brought with them to the meeting.

SANTILLAN

Yeah, no, I did. I asked them if they wanted me to collect it, and he said, "No, we'll keep them." Because they had their notes. But the other issue was there was nobody on the council, and it

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should have been the mayor who was running the evaluation process, and he should have been the one to say, "Let me collect all these, give them to the HR director." I mean, he could have given them to me, but he just never took that initiative. But regardless, this is the format that they were okay with. We just went around the table and they just told me what I was doing well, what I could work on.

ESTRADA

Did it get contentious at any point with Mayor Robertson?

SANTILLAN

Yeah. As expected.

ESTRADA

How so?

SANTILLAN

Because he brought up things that were completely outside of my control that no reasonable person would expect I could do anything about. For example, my deputy city manager resigned because he had to move his family to Utah because his mother is sick and he has a sibling there that was also experiencing health problems. And he couldn't stay in Fresno any longer. In the Fresno area, I should say. Well, the mayor brought that up and said, "You can't keep a deputy city manager on your team for more than a year." And I said, "Well, here's what actually happened." And so that was one thing. That's how we started the evaluation. And so from there, it was just downhill. There was other issues like in his complaint, he attached an email to Dwight Nelson who's a local business owner. There was one instance where we had a meeting where Mr. Nelson, who's well-known for being just a difficult personality. And I've met with him lots of times. But the mayor interjected himself. Generally speaking, I tell city council members, "Look, if there's an issue with regard

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to somebody's application for development or anything like that, staff should be handling those meetings without interference from the city council because then you introduce politics and favoritism and all those kinds of things and conflicts of interest." Well, I scheduled this meeting with Mr. Nelson to talk about something which was completely different from what the mayor requested a meeting with Mrs. Nelson about previously. And I said, "Mayor, we don't need to meet about that. We've already worked that out." Well, I scheduled the meeting with Dwight Nelson about something completely different and the mayor shows up. And I think the mayor, I don't know who communicated what, but the mayor understood that I lied about not scheduling. I don't know. He showed up and I wasn't expecting him, which was okay. We had the meeting. But in that meeting, some words were taken out of context and the mayor used them in his complaint against me. And yeah, I mean that was it. But I can't remember, was that before or after my evaluation? I actually don't remember if that happened before or after my evaluation. But it was things like that that the mayor brought up that were just kind of out of left field.

ESTRADA

Yeah, this was before.

SANTILLAN

Before, yeah. Because he did bring it up.

ESTRADA

Dwight Nelson, highway 43 road improvement schedule emails are like November, 2022.

SANTILLAN

There you go. Yeah. So he did bring it up.

ESTRADA

So during the performance evaluation, he accused you of lying concerning that whole Dwight Nelson issue?

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SANTILLAN	Mm-hmm.
ESTRADA	Is that a yes.
SANTILLAN	Lying about setting up the meeting?
ESTRADA	I'm not sure. I'm just asking, what came up during your performance evaluation that spoke to this issue?
SANTILLAN	Well, Dwight Nelson accused me of... No, I think the mayor accused me of lying to not have the meeting with the mayor involved. And I think that's what the issue was. He wanted to attend the meeting. I told him, "We don't need to meet about that." We scheduled the meeting with Dwight Nelson about his road project, which the mayor doesn't need to be a part of, but the mayor showed up anyway. But the mayor said, "You tried to cut me out of this meeting." That's kind of how he took it. So he brought those kinds of things up during my evaluation. The rest of the council members, Council Member Guerra, I believe her heart's in the right place. I just think she follows the lead. And she had some very valid criticism for me, as did all the council members. So I took it and I said, "I'm going to work on this. I'm going to work on that. Is this what I understand you want me to do as a city manager?" And the consensus was, "Yes, be out in the community more, more outreach, walk around downtown. Those kinds of things. But in general, you're doing a good job." That was a consensus. And the whole purpose of that was for, "Is my performance satisfactory or not? And if it is, then I'm entitled to a 5% increase per my agreement." And that was it. But yeah, after that, I sent this email because it had been bothering me. I wanted to put it on the record that, first of all, I never accused the

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mayor of coordinating a campaign against me, which is how he took it. And then secondly, for him to bring up a threat of lawsuit, a complaint against the counsel in an evaluation I thought was completely improper because that's retaliation. If I complain to the counsel about something and then he brings that up in my evaluation to mark me down on my performance, that's illegal. So I brought that up. And then, so I said, he's trying to intimidate me and retaliate against me. And he's the only one that voted to not give me a satisfactory rating. Council Member Guerra was satisfied with my performance, even though she's usually on his side in terms of votes. And then, yeah, I think the main thing was that I just wanted to document that because I didn't think it was proper for him to bring that up in my evaluation.

ESTRADA

Question on the last part of the fourth paragraph here of your January 24th, 2023 email where you say, "And he attempted to have a vote on the termination of my contract during the same performance evaluation."

SANTILLAN

Oh, yes.

ESTRADA

How did that kind of play out in the room?

SANTILLAN

That was funny. Well, I think from the very beginning, his intention was to actually take a vote to try to terminate my contract, and he knows it wouldn't have been terminated because the majority supports me as a city manager. And I told him, "No, Mayor, first of all, it wasn't agendized that way. A termination or action on my contract, it was not what was on the agenda. Secondly, I have a contract to 2028. So if you wanted to consider terminating my contract, the performance evaluation is not the

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time to do that." He got upset about that because he wanted to have the vote and he wanted to be able to report it out in open session as reportable action. And the city attorney, who was an interim city attorney at the time said, "Well, no. The consensus to give him a satisfactory rating, that's not reportable action. And any attempt to terminate his contract is not reportable action either." So he was upset about that. But that was his intention, to take a vote on my contract.

ESTRADA

Okay. All right. Are there notes taken during these closed sessions?

SANTILLAN

No.

ESTRADA

No? No minutes or anything like that?

SANTILLAN

No. I think that the city attorney usually takes notes, but there's no minutes.

ESTRADA

Okay. All right.

SALINAS

Before we move on, you mentioned earlier that Dwight Nelson was a person that was involved in this development emails. What was the name of the person that came in, the woman J-

SANTILLAN

Oh, Joan Nelson. Joan Nelson. They're related.

SALINAS

They are?

SANTILLAN

Yeah. And they financially support the mayor's campaigns. That's none in my business. But the point is that they're closely tied to the mayor, and I think that that's why he felt like I was blaming him. But anyway, yeah. It's a small town.

ESTRADA

Okay. And is that the same meeting where he brought up the potential slander suit, or did that happen in a separate meeting?

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SANTILLAN

That happened in the August, 2022 meeting.

ESTRADA

Okay. And then that was after you'd already submitted your complaint. That happens in August. And then in December he brings up your April, 2022 complaint.

SANTILLAN

During my evaluation.

ESTRADA

Okay. I'm just trying to understand that chronology here. Okay. And aside from those things that we've discussed, we've obviously reviewed your CRD complaint. Is there anything that has happened from then to now concerning the mayor's treatment of you that is the basis for your complaint?

SANTILLAN

Yeah, I mean, in general, I think that he has a thorough lack of understanding of employment law and sees the relationship between him and the city's employees in a very incorrect or misinformed manner. The January email was kind of my attempt to continue documenting the ways in which he's putting the city at liability risk. Since then, we had an incident where we lost an officer in the line of duty. Well, the complaint that he submitted, which is dated February 6th, came the same night that they were going to have a vigil for the officer at the Catholic church. And I got an email from him, Council Member Guerra, and I think it was a verbal request from Council Member Mendoza-Navarro to potentially cancel the meeting so that they can attend the vigil. And my response after conferring with the city attorney was unfortunately, we can't cancel it because it's a violation of the Brown Act. It's been noticed, we have to have it. But you guys can come together, have an agreement to cancel the meeting, and then everybody goes their own separate ways and goes to the

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vigil. Well, they didn't like that. I don't know for sure, it's all speculation, but I'm assuming that one of the underlying reasons why they wanted to cancel it was because my contract revisions were on that council agenda at the request of the majority of the council. Because that was our first meeting... Was it our first meeting in 2023? No, it was our second meeting. But they said specifically, "Put it on the agenda for February 4th so that we can increase your pay." Not February 4th. February 6th. And so I did, and then this thing with the officer came up. It happened six days before this meeting. I think they just used that as an opportunity to delay or throw a wrench in the revisions to my agreement. I don't know. But then they used the fact that I didn't cancel the meeting as a basis for his complaint. I mean, he mentions it in his complaint. What did he say? "Even though Mr. Santillan was asked by three council members to postpone this meeting due to a prayer vigil on the same night as council for Selma's police officer who was recently killed in line of duty, Santillan refused to reschedule." Well, rescheduling or canceling the meeting would've been a violation of the Brown Act. Which was fine that they were upset about it. But then the mayor's the only one that then used that to reprimand me, submit this complaint against me. And then Council Member Guerra at the next council meeting actually reprimanded me in public during a council meeting for refusing to cancel this meeting. So I didn't think that that was right. I thought that was retaliation for refusing to break the law, essentially. And so I filed another complaint, this time with the Labor Commission, because that specifically is in the Labor Code that if you retaliate against an employee for failing

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to break the law, well you're liable as an employer. So I submitted that complaint. It's going through the process at the Labor Commissioner's Office right now. And then after that happened, more recently, the mayor disclosed my complaint in an open meeting.

ESTRADA

The new Labor Code industrial relationship?

SANTILLAN

Not that one. My complaint with DFEH.

ESTRADA

Oh, okay. When did that happen?

SANTILLAN

You know what, I'll tell you right now.

ESTRADA

I have one question about your DFEH complaint. Is there a reason you did not reference in it that Mayor Robertson moved for a vote to terminate your employment in December of 2022?

SANTILLAN

I did. I think in the summary, they left that out. I don't know why. But it is something that I mentioned to the person that interviewed me.

ESTRADA

Okay. Got it. Okay. Thank you for clarifying.

SANTILLAN

The problem is that there's no documentation of that because there was no minutes.

ESTRADA

Understood. Got it. Yeah, that makes sense. Okay. So when you first saw Mayor Robertson's complaint of February 6th, 2023, I want to clarify one thing. So he submitted that on February 6th, 2023, which if I'm understanding from you, was the same night of the vigil?

SANTILLAN

Yes.

ESTRADA

So he prepared it in anticipation that the meeting would go on because he already had... Did you convey to him the Brown Act

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SANTILLAN

position before that

Yeah. Well, I just said, "After speaking to the city attorney, it's not possible to cancel the meeting." It was kind of a fine line. I didn't want to say, "You guys would be breaking the law." It was more of like, "I spoke to City Attorney. It's not possible."

ESTRADA

Okay.

SANTILLAN

Yeah.

ESTRADA

So no specific reference to the Brown Act in that discussion or communication?

SANTILLAN

Correct. But when we followed up, I said, "This is what the city attorney and I discussed, and this is why we couldn't cancel it."

ESTRADA

Okay. And when you say when they followed up, who was they?

SANTILLAN

The council when we convened as a council.

ESTRADA

Oh, okay. Was any of that in email before February 6th, 2023?

SANTILLAN

I don't remember what my correspondence with the city attorney was. I'll have to double check, but I don't recall. Okay. Yeah.

ESTRADA

And I was referring more to any communication with them directly.

SANTILLAN

No, I don't think I referenced the Brown Act specifically.

SALINAS

And when you referenced it in the city council meeting, was that in the open session or closed?

SANTILLAN

Yes. I actually made a statement at the next meeting after the mayor's complaint was received. I made a statement and I said, "There's a complaint against me because I refuse to break the law." And that's all I basically said. I didn't address any of the specific points in the mayor's complaint, but I asked the council

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	for permission to address the public because I knew it was going to be placed on the city council agenda. But that's when I referenced the Brown Act.
ESTRADA	Okay. That meeting in front of you, January 24-
SANTILLAN	The email?
ESTRADA	Yeah. I'm sorry. Yes, the email. Is there a reason... Can I see it real quick?
SANTILLAN	Yeah.
ESTRADA	Yes. Is there a reason you titled it Confidential in the subject line?
SANTILLAN	Well, because it referenced closed session information, closed session discussion.
ESTRADA	And do you normally do that? Is that a practice of yours?
SANTILLAN	If there's confidential information that I think shouldn't be released, yeah, typically.
ESTRADA	And you do copy the city's council on here?
SANTILLAN	Yeah.
ESTRADA	Okay. All right. One of the allegations in Mayor Robertson's complaint is that by putting that confidential stamp or message in the subject line, you meant to threaten and intimidate him in the same email where you don't refer to him as mayor, but just as the general council member. Was there any specific intent on your behalf for either of those things?
SANTILLAN	Not at all, no. Like I said, it was confidential because it referenced closed session information.
ESTRADA	Okay.

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SANTILLAN

And yeah, and the whole thing with Mayor, I mean, sometimes I notice it. It's not intentional. Yeah.

ESTRADA

There's also a separate allegation that you did not respond to an email where he'd asked you for a list of items. I'll show you the email. It's Exhibit C of his complaint. This one is the date of November 15th, 2022.

SANTILLAN

Okay.

ESTRADA

Do you see that?

SANTILLAN

So he's saying I didn't respond to Dwight's email, Dwight Nelson's email?

ESTRADA

Last sentence on page one. Hold on one second. Another instance of this-

SALINAS

It's Exhibit A.

ESTRADA

It's exhibit... Oh, I'm sorry. I gave you the wrong one.

SANTILLAN

Oh, okay.

ESTRADA

[inaudible] here.

SANTILLAN

Yeah, it's been a while since you've seen those.

SALINAS

Here.

ESTRADA

Here it is. Got it. Okay. Yeah, in the email, he's asking you for a list of city projects, preparation for his State of the City address to be delivered to the local Rotary club on January 31, 2023. Did you respond to that email?

SANTILLAN

Probably not, because I was on vacation in Europe through January 21st. I got back on the 21st and I was catching up on emails, and I probably just didn't see it. Yeah, I'll tell you right now if I ended up replying to it. I have 739 unread emails in my

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	inbox right now, so it's easy to miss emails.
ESTRADA	I know the feeling.
SANTILLAN	Let's see.
ESTRADA	And you said you're on vacation through January 21st, 2023?
SANTILLAN	Yeah or January 20th. I think I came back on the 21st. Yeah, and whenever I don't respond to an email from the council specifically, it's because I didn't see it. But yeah, no, I probably didn't respond to it. But it wasn't intentional.
ESTRADA	Okay. I think you've already explained this situation with Dwight Nelson, so I don't think we need to recover that. Okay. Let's see here. Has Mr. Robertson, Mayor Robertson, ever informed you of his desire to withdraw his February 6th, 2023 complaint or anything of that nature?
SANTILLAN	No.
ESTRADA	Okay.
SANTILLAN	And the reason I should clarify, you asked me earlier if I changed any communication with him at all. I didn't because the council as a whole did not direct me to. They rejected his claim outright. So from my perspective, I was to conduct business as usual.
ESTRADA	Okay. Just looking back now, with the benefit of hindsight, with everything that's transpired, have you ever said anything to Mayor Robertson that could be construed either rightfully or not as aggressive, disrespectful, or harassing in any way
SANTILLAN	No, never.
ESTRADA	And then just what do you think is the source of this conflict or disagreement, whatever you want to call it, with Mayor

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SANTILLAN  
ESTRADA  
SANTILLAN

Robertson?

Just to be clear, you're asking me to speculate, right? Because-

I'm asking you for your opinion.

Yeah. My opinion is that... I don't know for sure. All I can surmise is that there's a council majority that he's not part of. The council majority makes policy decisions, which I'm expected to execute. And oftentimes he is not in agreement with those policy decisions. So when I carry them out, he includes me as being part of the majority that is going against his ideology or whatever it is. And I think I mentioned earlier the election year, there's political reasons for it probably as well. I did terminate a police chief that he was very much in support of. I terminated a public works director that he was very much in support of. And previously, the mayor had had a lot of influences to the personnel decisions, especially of department heads within the city. And when I came in and I asserted my responsibility, my authority for personnel decisions as granted to me by the municipal code, I think that was different for him. And he saw that as a challenge to his established authority. From my perspective, his authority comes from being a member of the body of the city council, rather than being the mayor. Being a mayor in a council manager form of government just means you're one vote out of five and you're not responsible for personnel decisions. And historically, that hasn't been asserted to him. And I can understand the adjustment. There's a much more professional staff now than there was before, and that's why he was able to assert that influence. I think, and I know this for a fact, he hasn't gotten the

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pushback on his authority from anyone that he's experiencing now with me. And so again, that's just my opinion, but I could be wrong.

ESTRADA

A couple kind of follow ups. First one being... [inaudible]. It was here. Oh, have you had an evaluation this year?

SANTILLAN

No, not until December.

ESTRADA

Okay.

SALINAS

With respect to your contract, you mentioned earlier that if you got a satisfactory rating in your evaluation, you were automatically going to get a 5% increase?

SANTILLAN

Yeah.

SALINAS

That was in the original contract?

SANTILLAN

Yeah.

SALINAS

Okay.

SANTILLAN

Well, sorry, it's not 5% specifically, but my contract dictates the actual salary every year, but it amounts to 5%. But it actually specifies what the salary is going to be for each year.

SALINAS

Okay. And the revisions that just happened at the beginning of this year, did they increase the salary more than originally established?

SANTILLAN

Yeah, it was an increase in my base salary, which pushed all my future year salaries up way beyond 5%.

SALINAS

Okay. And how did that come about? Did you request an increase in salary?

SANTILLAN

Yeah, I think as part of the follow-up complaint that I had to the mayor, the council decided after my evaluation, they said,

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"You're doing a good job. We need to pay you more, first of all to keep you, to retain you, and especially considering everything that you're dealing with with the mayor." All the harassment and retaliation and all of that. So that was one of the ways that the majority of the council felt that I should be compensated for experiencing that.

ESTRADA

One kind of personnel related allegation in here relates, it's on the third page of his complaint, and he talks about during the election of 2020, he was harassed by a city police volunteer that was going to hit him in the face. Harassed him and his family as they carried election signs. He reported it to Selma PD, filed a police report, and then after the election, the volunteer was promoted to a paying position within the Parks and Community Services Department. Were you familiar with that? I mean-

SANTILLAN

Vaguely.

ESTRADA

I guess that precedes your time as-

SANTILLAN

Yeah, and I asked about it and it sounded like it had been investigated and nothing came of it. And that employee is actually not with the city anymore, so I don't know why that was brought up.

SALINAS

When did you ask about it? After you got this complaint?

SANTILLAN

No. No, way before that, yeah. I think he's been talking about that pretty much since it happened. Actually, the first time I heard about it was when the interim city manager was here and the mayor complained to the interim city manager about that, and that city manager looked into it and he decided there's nothing there. So I didn't look further into it when I became city manager.

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ESTRADA

All right. I don't have anything further. Do you? Or Alexa?

GALLOWAY

I do not.

ESTRADA

Okay. Mr. Santillan, is there anything else that we haven't asked you that you think might be beneficial just now? I mean, obviously you know the full sum and substance of the allegations brought by Mayor Robertson. But anything we haven't covered that might be beneficial for us to know?

SANTILLAN

Yeah. Well, I appreciate you conducting this process because I think it's important. Obviously, being the subject of an investigation like this is not always something that you want to go through. You don't want to be the subject of investigations. But I think in this case, I know where it's coming from. My opinion is that it's politically motivated and directed at me because I've stood up to the mayor and in terms of him doing things that put the city at risk. So when I brought those things up, he has taken those things personally, and I think that's where this complaint is coming from. But there's never been any sort of intimidation from me. There's never been any unprofessional behavior. There's never been any threats. I mean, the threats, it's pretty clear that he takes the threat of complaints or litigation as actual personal physical threats or whatever it is, as intimidation, which it's not. It's just me saying, "Look, this is the consequence of these actions that you're doing, that you're taking." But at the end of the day, there has never been any sort of intent or even desire to harass him. I've never done that. So when this complaint came up... I don't know, have you watched the council meeting where I make a statement when this item was being considered

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ESTRADA

an open session?

SANTILLAN

We have looked at some of the council meetings, but we need to obviously review more. So if you have any in mind in particular that would be beneficial for us to review, that would be helpful.

ESTRADA

Okay. Okay. And that meeting in particular, I made my statement at the beginning when this item was being considered, when they were denying his claim. And then that's when Council Member Guerra just comes out and says, "The city manager did not want to cancel this meeting." And she starts using Officer Carrasco, the officer that we lost in the line of duty, starts throwing his name around. And his parents are in the audience. And it's just really sad for that to be used for this purpose-

SANTILLAN

In poor taste?

ESTRADA

Exactly. But at the end of the day, from my perspective, there's nothing to this complaint. Clearly he has no understanding of legal. I don't think even an employer has grounds to claim harassment. I'm his subordinate. I don't have any control over his position or salary or anything like that. So anyway, I'm glad that you're conducting this process and yeah, anything I can do to facilitate it, I'm happy to.

SANTILLAN

Yeah, certainly if you have a list or any specific portions of council meetings where you feel that that type of behavior you just described or engaged in, that would be helpful for us.

ESTRADA

Okay. I'll do that. Who do I send that to?

We have your email address. Alexa, could we just follow up with the city manager and make sure? We could also send you a HighQ link if you want to just upload the video onto there or

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	[inaudible].
SANTILLAN	Sure. It's just a link on YouTube.
ESTRADA	Oh, perfect.
SALINAS	Tiffany actually has our contact information.
SANTILLAN	Oh, okay. She's out of the office for the rest of the week, so if Alexa can send that over, that'd be great.
ESTRADA	Sure. We have your email?
SANTILLAN	Okay. Great.
ESTRADA	Okay. Anything else?
SANTILLAN	That's it, yeah. Thank you.
ESTRADA	All right, Mr. Santillan, I'm going to give you the closing admonishment now. Thank you for your cooperation and participation here today. Remind you of the continuing request not to discuss the nature of this investigation or the content of our interview with anyone. Because it's an ongoing, confidential administrative investigation, we ask that you not do anything that may be construed as interfering with it. You're also not to engage in any conduct that could be deemed retaliation. And if you feel you're retaliated against for your participation here today, please immediately report it to human resources. Any failure to abide by any of the directives that have been given you today could subject you to independent grounds for discipline up to and including dismissal. Okay. With that said, we'll be going off tape now. The time is 2:15 PM.

End of interview.

# EXHIBIT 26

**Labor Commissioner's Office  
Retaliation Complaint Investigation Unit**

**Retaliation Complaint**  
State Case Number: RCI-CM-961783  
Date Filed: June 13, 2023



Complainant Information				
<i>First Name</i>	<i>Last Name</i>	<i>Phone Number</i>	<i>Birthdate</i>	
Fernando	Santillan	818-823-7205	July 23, 1985	
<i>Street Address</i>		<i>City</i>	<i>State</i>	<i>Zip Code</i>
955 E Omaha Ave		Fresno	CA	93720
<i>Interpreter Requested?</i>	<i>Language</i>	<i>Email</i>		
No		fsantillan2@gmail.com		

Complainant's Representative/Advocate			
<i>Representative/Advocate Name</i>			
<i>Phone Number</i>		<i>Email</i>	
<i>Street Address</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>

Employer Information			
<i>Employer / Business Name</i>		<i>Phone Number</i>	
City of Selma		559-891-2200	
<i>Business Address</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>
1710 Tucker Street	Selma	CA	93662
<i>Address where Complainant worked (if different from Business Address)</i>	<i>City</i>	<i>State</i>	<i>Zip Code</i>
<i>Name of Person in Charge</i>		<i>Job Title / Position of Person in Charge</i>	
Fernando Santillan		City Manager	
<i>Type of Work Performed</i>	<i>Total Number of Employees</i>	<i>Employer still in Business?</i>	
Municipal Government	160	Yes	

Immigration Threat
<i>Did your employer make immigration related threats?</i> No
<i>Please Explain:</i>

Other Claims Filed			
<i>Claim for unpaid wages?</i>	<i>Date claim filed:</i>	<i>Claim filed by:</i>	<i>Case Number</i>
No			
<i>Issued claimed:</i>			
<i>Are other employees also filing retaliation claims against your employer?</i>		<i>Have you filed or do you plan to file a separate EPA (Equal Pay Act) complaint?</i>	
No		No	

Employment Status			
<i>Date of Hire</i>	<i>Quit on</i>	<i>Suspended on</i>	<i>Discharged on</i>
February 17, 2021			
	<i>Still working for employer?</i>	<i>Other:</i>	
	Yes		
<i>Final Rate of Pay</i>		<i>Last job title with Employer</i>	
		City Manager	

Retaliation Complaint			
<i>Why was this Complaint Filed</i>	<i>Date</i>	<i>Name of Person Carrying out Change</i>	<i>Title of Person Carrying out Change</i>
Disciplinary Action/Written Warning	February 6, 2023	Scott Robertson Sarah Guerra	Mayor of Selma (Scott Robertson) Selma City Councilmember (Sarah Guerra)
<i>Describe what happened:</i>			
As the City Manager, I refused a request to cancel a regularly scheduled City Council meeting as it would have constituted a violation of the Ralph M. Brown Act, after consulting with the City Attorney. The Mayor and one councilmember retaliated against me with a formal claim and complaint against me, as well as a public reprimand in violation of my employment contract.			
<i>What reason would the employer give for the changes you experienced that you selected from the list above and described?</i>			
They indicated I refused to comply with their request as the reason for the complaint and reprimand.			
<i>What right did you exercise or action did you take that led to your change in employment?</i>			
I refused to cancel a public meeting to avoid violating State law.			
<i>Describe how your employer knew about the right you exercised or the action(s) you took?</i>			
After consulting with the City Attorney, I emailed the City Council to inform them that it would not be possible to cancel the meeting.			

Witnesses

<i>First Name</i>	<i>Last Name</i>	<i>Phone Number</i>	<i>Email</i>	
1. Megan	Dodd	559-584-6656	dodd@griswoldlasalle.com	
<i>Street Address</i>		<i>City</i>	<i>State</i>	<i>Zip Code</i>
1. 111 E 7th St		Hanford	CA	93230
<b><i>Please provide a brief explanation of what they saw/heard related to your complaint.</i></b>				
1. The City Attorney was witness to the request and my response declining the request from the Mayor and City Councilmembers. She also handled the subsequent complaint from the Mayor and public reprimand from Councilmember Guerra.				

<b>Remedies</b>
<i>Briefly describe what you hope happens as a result of filing the complaint.</i>
I believe I am owed monetary compensation for being publicly subjected to retaliation and a public reprimand by my employer, which has tarnished my professional reputation and made my job more difficult to carry out.

<b>Authorizations to Release Information</b>
<input checked="" type="checkbox"/> By submitting this form, I hereby certify that the information I have provided is true to the best of my knowledge and/or recollection, and I further acknowledge that this information is being collected by the State and may be shared with another state agency or a private party in accordance with California Civil Code section 1798.24 and the Information Practices Act of 1977 generally.