

LARA WEISIGER

From: Paul Foreman <ps4man@comcast.net>
Sent: Sunday, April 29, 2018 8:36 PM
To: Trish Spencer; Malia Vella; Frank Matarrese; Marilyn Ezzy Ashcraft; Jim Oddie
Cc: Janet Kern; LARA WEISIGER
Subject: May 1 Closed Meeting-Keimach

Dear Mayor Spencer and Council Members:

In my view, the primary issue in this matter is not whether at least three of you have valid reasons for discharging Ms. Keimach, but whether you can do so without subjecting the City and yourselves individually to extended litigation and severe risk of financial loss. If I were representing Ms. Keimach in a Whistleblower or Wrongful Termination suit, based solely on hard evidence publically known at this time, I would make the following case.

Exhibit 1 would be the delay in Ms. Keimach's job performance review from the Spring of 2017, when the fire chief vacancy was imminent until a year later, after the chief was hired, Exhibit 2 would be Mr. Oddie and Ms. Vella's 2014 election contribution report showing significant contributions from the local IAFF and their proxies. Exhibit 3 would be Mr. Oddie's letter strongly recommending the Union's choice over a much more qualified candidate by any reasonable person's objective standards. Exhibit 4 would be Ms. Keimach's Oct. 2, 2017 letter and her testimony stating that her interpretation of conversations with Mr. Oddie and Ms. Vella was that her failure to hire the Union choice would cost her job.

I would then put Chief Rolleri on the stand to testify to Mr. Oddie's statement to him that there were three votes to fire Ms. Keimach if she did not hire the Union choice. (I consider this hard evidence because Mr. Oddie has never denied it and Chief Rolleri is a very credible person.) The job threat, while not made directly to Ms. Keimach, confirms her belief that her job was threatened and is circumstantial evidence of the likelihood that, in her conversations with Mr. Oddie and Ms. Vella, euphemisms or other coded language were employed to communicate a threat to her job. For a better understanding of this I refer you to Robert Sullwold's latest posting at <https://alamedamgr.wordpress.com/2018/04/27/the-alameda-two/>

With all of the above being presented to a jury plus the natural sympathy factor in favor of Ms. Keimach as opposed to the stereotype of corrupt politicians, we have a "perfect storm" for a heavy financial award against the City, and individually against any Council Member who formed a majority for discharge that included the affirmative vote of Mr. Oddie or Ms. Vella, not to mention the burden of prolonged litigation and the political consequences. I should add that the taping done by Ms. Keimach would be a possible defense to her suit only if you dismiss her for cause based thereon. If you dismiss her for no cause, it is irrelevant.

There is an avenue open to you to eliminate or at least severely reduce this threat. That is for Council to avoid forming a majority for Ms. Keimach's discharge that includes Mr. Oddie or Ms. Vella. The only other avenue is for Council to find a way to reach an amicable settlement with Ms. Keimach

Sincerely,

Paul S Foreman

