

Opinion: How Kerry is being treated is horrific

By Tony O'Rourke

On Feb. 8, 2018, the *Tahoe Daily Tribune*, based on seven anonymous sources, destroyed City Manager Nancy Kerry's reputation. As the former city manager prior to Nancy Kerry, I know the challenges, rewards, and pitfalls of managing cities. Given the average tenure of a city manager is three to five years, it is not uncommon for city managers and city councils to amicably part ways.

What is not common is how Nancy Kerry has been treated or better yet, mistreated and personally defamed in an effort to summarily terminate her without due process and fair compensation as called for in her contract with the city.



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First, when do seven anonymous people get to define Nancy Kerry? A fair and reasonable person would examine and weigh her exceptional 10-year tenure with the city; in particular the past 5.5 years as city manager. Nancy's annual evaluations during her tenure have all been outstanding. In her most recent June 2017 performance evaluation, conducted on behalf of the City Council by nationally recognized City Manager Ted Gaebler, Nancy was rated between outstanding and excellent. Mr. Gaebler personally stated in his review, "I rarely have seen this among city managers."

As a result of Nancy's June 2017 evaluation, then-Mayor Austin Sass and the City Council awarded Nancy a 5 percent pay raise and restored a \$600 monthly car allowance.

In October 2017, the City Council, covertly via the city attorney, hired Mary Egan of Municipal Resource Group, to conduct an organizational climate survey for \$10,000. Organizational climate surveys are an excellent method to identify organizational strengths, weaknesses, and opportunities for improvement. During my tenure with South Lake Tahoe we retained Bill Chiatt of the Alta Mesa Group to conduct two annual organizational assessments in 2010 and 2011. Unlike the current City Council's secretive Mary Egan study, the 2010 and 2011 organizational assessment reports were shared with the City Council, city employees, the public and media.

The organizational assessments were important because to eliminate a \$5.2 million deficit in 2010, as well as, a projected five-year financial shortfall of \$25 million, I had to recommend the elimination of 25 percent of the city workforce, and 40 percent of its senior management. The City Council unanimously endorsed these "right sizing" initiatives to ensure the financial health and sustainability of the city. Four California municipalities; Stockton, Vallejo, San Bernardino and Mammoth Lakes all filed for bankruptcy during this time period.

As a result of these tough decisions, I was frequently a lightning rod for criticism. As a city manager you learn to accept this as an agent of change and progress. What you don't expect or accept are unfounded anonymous allegations that result in defamation and your dismissal. If someone has a valid complaint and evidence of wrong doing, they should publicly share it; for as Justice Louis Brandies so eloquently stated, "Sunlight is the best disinfectant."

The difference in my and Nancy's situation is the covert and

anonymous character of her critics. She has been found guilty of creating a "toxic" work environment, in the absence of any due process or public evidence. She has been personally and professionally defamed based on mere allegations. What happened to the right to face your accusers? Where is there public evidence of these allegations? This matter is a political hatchet job perpetuated by a few.

Of the seven anonymous sources attacking Nancy, three are currently city employees. This represents 1.5 percent of all city employees. The other four are former city employees. Given there are hundreds of former city employees, they too represent a tiny fraction of former city employees.

In summary, Nancy Kerry has been unfairly criticized and defamed in a rush to judgment based on seven anonymous individuals in a city organization of 200 and a community of 21,000. She has not been afforded any due process, provided any evidence to support allegations against her or been provided the right to face her accusers. Nancy's witch hunt and defamation is abhorrent to the America our constitutional and individual liberties are founded upon, and our military bravely defends and fights for. South Lake Tahoe needs to stand up to and defeat this modern day digital and covert McCarthyism, or others in the community will be next.

Tony O'Rourke was the city manager of South Lake Tahoe before Nancy Kerry.