

Statement of Rod Foster

Regarding West Coast Arborists

It was on or about April 25th when I first heard about potential concerns regarding West Coast Arborists (WCA) and their contract with Laguna Niguel. My first interview for the Dana Point City Manager position was on April 20th. The second interview was on May 1st. It was the executive recruiter for the City of Dana Point, on or about April 25th, that told me that a Council Member had received some information from someone outside the City of Dana Point that Laguna Niguel's auditor (the Pun Group) or someone was reviewing the expenditures of West Coast Arborists to ascertain if the contract was in order and purchasing guidelines followed. The recruiter advised me that the concern will probably be brought up at the second interview on May 1st. I immediately informed the City Attorney of what I had heard.

At the May 1st Dana Point interview, Council Member Joe Mueller inquired about my relationship with Mayor Slusiewicz by stating that he had been told that my relationship with the Mayor may not be that good, as well as alluding to purchasing. I now realize that Council Member Mueller had obviously been contacted by someone with knowledge of the auditor's work; that being primarily Mayor Slusiewicz.

That leads to a very important point. I have never asked the Mayor for a favor nor would I ever. I never asked the Mayor to not bring the West Coast Arborists item to a public agenda as he claims. I never told the Mayor that his personal vendetta against me would harm me in an interview process; yet knowing the facts, I now believe that the Mayor did intentionally and maliciously harm me during the City of Dana Point recruitment process. In fact, when the Mayor threatened my job on or about Thursday April 13th, as he had done in the presence of the City Attorney on at least three occasions since February 20, 2017, I told the Mayor if you have the votes to fire me then go ahead and do it. I stand by the belief that if I do the right thing and get fired for it then my next job is not far away. Furthermore, I then told the Mayor that I am in an interview process with Lake Forest and beginning the interview process at Dana Point, I am quite sure that I will land one of those positions and be transitioned by June or July of this year. The Mayor then said he would not evaluate my performance with the Council due to my alleged lack of communication with him as Mayor. The Mayor said, Rod you know you don't call me as much as you used to. I said Mayor I treat you equally as I do to each Council Member. There was never a mention of West Coast Arborists by the Mayor until he called me on Saturday May 13th following the posting of the Council Agenda for May 16th.

I was in the parking lot of Gelson's Market in Monarch Beach the afternoon of Saturday May 13th when the Mayor called me on my cell phone. The Mayor immediately starting threatening me and yelling at me as he has done to me since the beginning of 2017. The Mayor said Rod you are wrong to add the West Coast Arborists item to the Council agenda. The Mayor said Rod, the WCA item is his item and that I was wrong to act upon it.



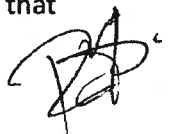
I said Mayor, as you know, the auditors are reviewing the West Coast Arborist contract and staff now knows that a contract amend should have been completed. I said that the Purchasing Manager was terminated on May 10th upon the recommendation of the Director of Finance for this WCA contract amend oversight and, various other items. Staff, upon my direction in consultation with the City Attorney, brought the item on a public agenda as it completes the paperwork approved by the Council in the mid-year budget in February 2017. Furthermore, staff advised that WCA agreed to provide the additional tree work, as noted in the staff report, at the same cost of the existing contract. With the tragedy in Whittier involving failing Eucalyptus trees that fell upon a wedding party resulting in a few deaths and liability claims, the work needed to get done as quickly as possible to avoid any future City liability as the result of the ongoing parasitic beetle tree infestation in Laguna Niguel demonstrating an emergency situation due to many large infested Eucalyptus Trees along the heavily travelled Crown Valley Parkway, as well as at Crown Valley Park and other locations throughout the City.

Even with this explanation, the Mayor would not relent and said he had planned to discuss this item once the Agreed Upon Procedures Report on Purchasing was complete. Wanting to end the abuse and the phone call, I said I will talk with the City Attorney and advise to our action. On Monday, I made the decision to pull the item in order to not have to witness the rage of the Mayor in public. I told the City Council individually what I had decided to do, including the ongoing abuse and threats by the Mayor. No one questioned my pulling of the item. In fact, many Council Members thanked me for pulling the item and apologized for the Mayor's poor behavior.

Demonstrating his flip-flop personality, the Mayor said to me, the Director of Finance and the City Attorney, that it was good that WCA provided the additional work at the same cost as the existing contract since if we would have bid the work we would have probably spent a lot more money due to the City's immediate need for tree removal. We all agreed on that point. Yet, now with the Mayor's reputation on the line with incidents that might go back nearly 10 years (2008) as he has confirmed in the media recently, the Mayor now finds it convenient to spread lies about West Coast Arborists and forget the relevant facts.

I pulled the item because the Mayor continued to bully me and my staff when I tried to resolve the matter by adding the item to the May 16th agenda. It is obvious that the Mayor felt that I had taken his "A-Ha" moment away from him.

Still the Mayor could not let the item go as he then called the President of WCA, Pat Mahoney, on or about May 22nd asking about my property and work that I paid for on that property. Mr. Mahoney said that the Mayor threatened the reputation of WCA by saying that he is sure that WCA provides services to many municipalities in Southern California and that the Mayor has ways of getting the information he wants and demanded that the WCA provide the financial detail of the work done at my home or the Mayor would let other local mayors know of his concerns and demands. Mr. Mahoney then called me and asked my permission to give the Mayor the financial data he requested. I said that I will speak to the City Attorney and contact him the next day; that



being on or about May 23rd. Mr. Mahoney also said he would speak to his General Counsel about the Mayor's demands.

The next day (May 24th) I called back Mr. Mahoney and gave my permission as a private property owner to provide the Mayor with the workorder, the invoice and my personal cancelled check noting payment from my own personal checking account. Mr. Mahoney provided all those documents to the Mayor on May 25th and provided me with a copy of what he sent to the Mayor. I provided a copy to the City Attorney and advised the City Council of the Mayor's actions and stated that I can also provide them a copy of the WCA financial documents if they wanted them; no one requested them but thanked me for providing them to the City Attorney.

Once again, the Mayor deflects and defends his actions and transgressions by playing the victim instead of taking ownership of his poor behaviors. It is quite sad and by far the worse behavior I have ever seen by an elected official in my 30+ year public career.

Rod Foster

July 28, 2017

A handwritten signature in black ink, appearing to read 'Rod Foster', written over the typed name and date.