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ROCKDALE WATER RESOURCES

DWIGHT S. WICKS, DIRECTOR
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Rockdale Water Resources

MEMORANDUM

Date: March 16, 2012

To: Mrs. Elaine Nash, Chairwoman - Rockdale County Water and Sewerage Authority
Mrs. Phyllis Turner, Vice-Chairwoman - Rockdale County Water and Sewerage Authority
Mr. William Murrain, Secretary - Rockdale County Water and Sewerage Authority
Mr. William Hatcher, Treasurer - Rockdale County Water and Sewerage Authority
Mr. Tom Fox, Member - Rockdale County Water and Sewerage Authority
Mr. Darrell Thomas, Member - Rockdale County Water and Sewerage Authority
Mr. Garvin Haynes, Member - Rockdale County Water and Sewerage Authority

From: Terrell S. Gibbs, Ph.D., P.E., Deputy Director

Cc: Dwight S. Wicks, Director – Rockdale Water Resources
Honorable Richard A. Oden, Chairman & CEO Rockdale County Board of Commissioners
Honorable JaNice Van Ness, Post 2 Commissioner – Rockdale County Board of Commissioners
Honorable Oz Nesbitt, Sr., Post 1 Commissioner – Rockdale County Board of Commissioners
Mr. Greg Pridgeon, Chief of Staff – Rockdale County Board of Commissioners

Re: Formal Complaint – Hostile Work Environment

Dear Rockdale County Water and Sewerage Authority (RWSA):

This memorandum is being written to you and copied to Rockdale County leadership and formally bring a complaint to a rapidly deteriorating issue to my Director's and the RWSA's attention that has impacted my ability as well as my staff's ability to function in an environment where they can work free from hostility and undermining.

When I was hired as deputy director in 2009, I understood I was coming into an environment where the RWSA and RWR worked together to move the county from a state of seeming bankruptcy to a self-sustaining, award-winning water utility. This relationship has appeared to disappear. In late 2011, it was noted the RWSA's finance committee (Mr. Chip Hatcher, Mrs. Elaine Nash, and Mr. Garvin Haynes) had a difference of opinion relative to Rockdale Water Resources (RWR) migration to radio read meters. The reasoning for oppositions to RWR's radio read program has been a seemingly ever evolving list of concerns (more opinions) that grow every time a previous opinion is challenged, disqualified, or dispelled. The change in positions of the finance committee relative to radio read occurred in the following manner (see attached documentation):

1. First, it was branded as being too expensive and the money should be spent elsewhere (i.e. leaking pipes) – We attempted to show data on the real return on this investment versus our current touch read system (which will never give us a return on the investment that will outpace the cost to implement and keep implemented), but was interrupted and dismissed. We also explained we budgeted \$1.1M/ year through the CIP for leaking pipes as well as our leak detection program to that is in place to help us accurately detect leaking pipes as opposed to arbitrarily replacing pipes because they are old.
2. Secondly, it was branded as being unproven and troublesome – We provided data that showed there are several R450 systems in the country, and it was just starting to take root in Georgia. The American Water Works Association (AWWA) showcased the Neptune R450 system that is installed in our nation's capital (Washington D.C.) in a presentation to which an RWSA member was in attendance (Mr. Chip Hatcher).
3. Thirdly, it was branded as being illegally procured – An accusation we have formally and proven (with documentation)

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- not to be the case with every entity of Rockdale County procurement verifying.
4. Fourthly, it was branded as necessitating a rate increase – We stated we were willing to take this out of capital and fund it through operations and maintenance where the program has historically been funded and utilize our historical annual funding pattern of meter replacement to facilitate this migration, which does not require a rate increase to make happen. We further explained the reason we proposed funding it in capital to begin with was to acquire additional funding to speed up the implementation program.
 5. Fifthly, we were told we should go with another vendor (Sensus), which did not make fiscal sense due to it being \$1.5M+ more to implement.
 6. Sixthly, we were told it should be bid out – We provided data and documentation as to why it would be fruitless and potentially of detriment financially to RWR to do so, but was systematically ignored.

I never imagined the difference of opinion from some members of the water authority (one in particular, Mr. Garvin Haynes) would escalate to slander, libel, false accusations, undermining, disrespect, distrust, and efforts to discredit individuals who have worked tirelessly to afford RWR recognitions such as Plant of the Year on the Water and Wastewater sides of operations, consent south side consent orders being lifted, developing in-house a water and sewer master plan, designing in-house and building wastewater conveyance facilities, and RWR financially being “in the black” for the first time in over 10 years.

Over the course of the past 3 months, it has become apparent Mr. Haynes has been a chronic and constant catalyst for negative behavior, which have systematically been replicated through the actions of other members of the RWSA. Mr. Haynes’s behavior has been disruptive, slanderous, and indicative of a personal agenda to undermine the operations of RWR, its leadership, and its staff seemingly seeking to paralyze operations and render the leadership ineffective. This behavior has been allowed to take place for some time now with no accountability or sanctions placed on Mr. Haynes or anyone who replicate his actions. Inaction on the RWSA’s part leads one to believe the RWSA actually condones behavior such as those detailed below:

1. On 12-15-11, Mr. Haynes disrupted a presentation by RWR staff on radio read to the point the presentation was never allowed to finish and a vote (motion made by Mrs. Phyllis Turner and seconded by Mr. Haynes) was made to have no further districts changed over to radio read after districts 5 and 6 by a passing tally of 4 to 0. Later that same day, on 12-15-11, Mr. Haynes sent an inflammatory email to the BOC, the RWSA, and local media without the RWSA consent based on misinformation, mischaracterization, and solely his own opinions. This email slandered RWR staff as well as made it very clear how Mr. Haynes views the leadership of RWR (see attachment).
2. On 12-25-11 (Christmas), according to a county vendor (Delta Municipal), again without RWSA authorization, Mr. Haynes called a Delta Municipal representative as a Rockdale representative attempting to intimidate the vendor for information relative to RWR metering operations. Supposedly, when Mr. Haynes was asked to put his request in writing, he abruptly got off of the phone.
3. On 1-5-12, the RWSA voted to formally submit all questions relative to the radio read program through the RWSA to RWR in writing. Mr. Haynes was in attendance of this meeting. Immediately following this vote by the RWSA and seemingly to undermine the wishes of the RWSA, on 1-6-12, 1-20-12, and 1-23-12, Mr. Haynes submitted 13 open records request primarily for information that was voted on by the RWSA to be submitted through the WSA.
4. On 1-17-12, RWR was contacted by Delta Municipal concerning one of their customers calling them after having been visited by Mr. Haynes. According to the call, Mr. Haynes went to the City of Griffin to meet with their Public Works Director under the guise as a representative of Rockdale County. After being directed to the Deputy Director of Griffin Public Works, Mr. Haynes allegedly proceeded to disparage Neptune meters and informed the Deputy Director of Griffin Public Works of Rockdale County’s intention of going with Sensus meters.
5. On 1-19-12, Mr. Haynes called the vendor for Neptune Meters (Delta Municipal) and blatantly and vulgarly disrespected our Director (see attachment).
6. On 1-20-11, Mr. Haynes called the RWR Deputy Director alleging the “Director through you under the bus” in an apparent effort to create an atmosphere of division and distrust within RWR.

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In addition to the preceding, Mr. Haynes's ever progressing pattern of disruptive behavior has systematically directly or indirectly led to the stalling of two critical projects, the water and sewer master plan and the rate study. Mr. Haynes is the chairperson of the master plan subcommittee, which has not met since November 15, 2011. Thanks to a responsible staff, updates and revisions to comments have been facilitated in spite of the absence of Mr. Haynes. The rate study was due to be completed by September 2011. Prolongation of the rate study has been the direct result of some of Mr. Haynes disruptive antics to the degree where the 10-25-11 presentation by the rate consultant was not allowed to take place due to his constant barrage of interruptions, insults, and objections.

Several staff have chronicled many instances where Mr. Haynes has made calls to them well after business hours sometimes at night (myself included), at times being totally incoherent to express some of his rather "personal" matters. This has taken place on weeknights as well as on weekends when staff is typically at home with their families. As recently as within the past two weeks of this memorandum, Mr. Haynes has put in more open records request of my and other staff's emails. This is in addition to a plethora of emails Mr. Haynes requested via open records request in January 2012 for my and my Director's emails from 12-1-11 to the mid part of January. Expanding open records requests to staff hints that Mr. Haynes's efforts are not based around a particular issue now, he is apparently desperately searching for something he can use to undermine and discredit RWR staff and the department as a consequence. Here we are going on four months out, and he still has nothing, but I am sure that will not stop him from digging any and everywhere he can.

Since December 2011, Mr. Haynes has systematically inundated our BOC (as busy as they are with very real matters) with false and misleading information whereas we (as staff) have been consistently preoccupied with vindicating ourselves, the department, and totally disproving the false statements and allegations Mr. Haynes has raised. This has resulted in a significant amount of operational time being spent to counter Mr. Haynes's attacks.

The numerous and expanded personnel Mr. Haynes has subjected to open records request as well the apparent conspiring actions of some of the RWSA to discredit RWR has resulted in a toxic atmosphere of distrust, disloyalty, and skepticism of RWR staff relative to the RWSA and its intentions as it relates to RWR. Mr. Haynes's open records requests started with our Director. It then went to me. It has recently been expanded to include our Central Maintenance Manager (Mr. Richard McDaniel) and our Compliance and Technical Services Manager (Mr. Lee Pope). Mr. Haynes's behavior has been left unchecked and unreconciled by the RWSA leadership and in many cases recently replicated by some members of the RWSA to the point where it has presented itself as being of detriment to RWR's operations; the image, perception, and effectiveness of the Rockdale Water and Sewerage Authority's, and Rockdale County government.

Mr. Haynes has made it very clear he intends to push his destructive agenda regardless of its lack of soundness, its impact, or the will of the RWSA. In addition to stalled programs, as eluded to previously, Mr. Haynes's antics has and continues to result in many man-hours being lost due to County staff being unproductive while addressing his seemingly ever growing non-RWSA authorized inquiries via open records request when the RWSA previously created a mechanism by which their questions can be answered. If Mr. Haynes actions are indicative of the RWSA's position concerning RWR, by allowing Mr. Haynes to behave and function in this manner as a RWSA member, the RWSA is perpetuating an air of distrust, disregard, disrespect, resentment, minimization, and obstruction to RWR and its operations. This will make it very difficult for RWR and the RWSA to move forward and continue the progress we have garnered together over the past 3 years.

What has become even more disheartening is to come to understand when information is being submitted to RWSA leadership that is of importance to the issue with RWR's migration to radio read, it is apparently and typically only being distributed to a select few and not the entire RWSA. I will refer these select few for as the "inner circle of RWSA" for they know who they are. As a result, facts and specifics to RWR operations that the professionals of RWR can only provide are either being ignored, blurred, or reshuffled by certain select members of the RWSA to the point where what is regurgitated by these same members are false and misleading. Furthermore, recommendations, decisions, and resolutions are being made based on false and misleading information with no avenue for staff to provide clarification.

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As I have noted, inner circle of RWSA have been actively engaged in similar disingenuous and undermining behavior. Members of the inner circle of RWSA have been noted by RWR staff to undermine and mischaracterize our department Director openly to staff. The inner circle of RWSA has had at least one meeting with a competing meter vendor (Sensus) looking to do business in Rockdale County (at the request of inner circle of RWSA) on Rockdale County property without the consent or knowledge of the BOC, the full RWSA or the RWR director and without RWR staff professionals in attendance. RWR has systematically and orderly answered all questions forwarded to them by the RWSA to have the actions of inner circle of RWSA to respond in a manner of suspicion and distrust.

We have asked RWSA leadership to honor the request of our Director to forward all operational questions to be channeled through our Director's office. This request went unheeded for 3 years, until staff had to be instructed to relay this to RWSA members in an email late last year. The reason for this requirement was staff was consistently being pulled away from their responsibilities, tasks, and projects on a daily basis by members of inner circle of RWSA and often times were being given additional tasks and responsibilities without the consent of the Director. This caused staff to fall behind in their work to the point they were approaching missing deadlines as well as increased the likelihood of providing information that may or may not be totally accurate depending on what question was asked and how involved that person was with the issue. Even with this explanation, Mr. Haynes told the RWSA and the BOC that RWR leadership is threatening to fire "whistleblowers".

It has been noted that the inner circle of RWSA apparently have no interest in fair and truthful dialogue with staff or the remaining members of the RWSA for they have yet to allow staff to defend the accusations they have made to Rockdale County leadership. We have produced countless documents to the RWSA leadership to only have the facts disregarded. The facts have been chronically dismissed by inner circle of RWSA in lue of them pushing forward their own opinions. If facts are not acceptable to this group, but the group chooses to believe unsubstantiated accusations, this leads one to believe there is an element of bigotry involved as it relates to the fair and equal treatment of staff by inner circle of RWSA. To make it clear, bigotry is "the attitude, state of mind, or behavior characteristic of being rigidly devoted to one's own group, religion, race, or politics (ideals) and being intolerant of those that differ." I am using the "ideals" reference to this definition; however, it certainly does not negate the potential for the complete definition to be plausible in this case.

Being as such, I request the behavior cited in this memorandum ceases and immediate action is taken by the Rockdale Water and Sewerage Authority to address Mr. Haynes' and his ever evolving unprofessional, unethical, and destructive behavior as well as the behavior of others who are reflecting similar behavioral aspects. This has created a hostile work environment for me and several of RWR staff. Additionally, libel and slander are forms of defamation that are punishable by law. RWR staff at all levels are very much aware of the actions and similar actions of the kind that have been displayed by Mr. Haynes and other members of the RWSA to the degree where the RWSA has started to be viewed negatively by staff and the intentions and purpose of the RWSA are being questioned. Our staff is very intelligent and knows how our department functions, its role in county government, and how and by whom we are governed. I certainly hope you keep this in mind when you have to explain your actions or the lack thereof to staff.

In closing, for most of the going on 3 years I have been in Rockdale County, RWR and the RWSA have maintained a stellar working relationship. I was very proud of this fact and find it profoundly disappointing we have fallen so far off course. For the last several months, the RWSA has presented themselves as more of an opposition to RWR; whereas, we have been functioning more like warring factions. Is this toxic environment truly the good of Rockdale County, or is this for the good of an individual's or group of individuals' personal agenda?

I think I can speak for the entire department when I say we look forward to moving back to a place when we worked together and operated in trust and accountability and respected for one another. I would like to think it was this desire that put Mrs. Elaine Nash and Mr. Garvin Haynes at the forefront of actively searching and working to bring Director Wicks back. Regardless of how

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certain members of the RWSA (the inner circle of the RWSA) wish to mischaracterize Director Wicks, me, or staff, through Director Wicks's leadership, he/we (staff) have brought this department out of despair, and this record speaks for itself.

Sincerely,

A handwritten signature in black ink, appearing to read 'Terrell S. Gibbs', written over a light blue horizontal line.

Terrell S. Gibbs, Ph.D., P.E.
Deputy Director
Rockdale Water Resources

Attachments:

- Email correspondence from and to Garvin Haynes
- Vendor complaint concerning Garvin Haynes
- Responses to RWSA 1-20-12 questions that were given to Mrs. Elaine Nash and Mrs. Phyllis Turner on 2-10-12 as hardcopies
- Copies of RWR justification memos
- Copy of Rockdale County procurement policy
- Meter replacement program historical timeline
- Copy of Memo to file
- Email Correspondence to the City of Griffin
- Email Correspondence concerning the City of Atlanta's billing issue in 2011
- Copy of AWWA R450 presentation

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